

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1996

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, FEBRUARY 6, 1996



Vol 3

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1996**

TWENTY-FOURTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, April 25, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Ron Wilson, First Baptist Church, Hartselle, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erin Watson, 9th Grade, Hewitt Trussville Jr. High, Trussville, Alabama, and Niki Hatfield, 10th Grade, Hueytown High School, Hueytown, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-third legislative day was dispensed with.

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that the House recess from 10:00 o'clock a.m. until a call of the Chair was adopted.

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that the House recess from 12:00 o'clock Noon until 1:00 o'clock p.m. was adopted.

Yeas 31; Nays 17.

Yea:

Mr. Speaker, Black (L), Black (M), Carns, Clouse, Gaines, Gipson, Guin, Hayden, Hill, Hilliard, Hogan, Jorgensen, Knight (A), Lindsey, Moore, Newton (C), Page, Parker (P), Penry, Pringle, Reed, Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance and Warren.

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Nay:

Representatives Burke, Carter, Collins, Dean, Drake, Dukes, Ford, Gaston, Hall (L), Hooper, McMillan, Morrow, Murphree, Parker (T), Payne, Townsend and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 434. CREATING THE CLAY-COOSA COUNTIES JAIL STUDY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Clay-Coosa Counties Jail Study Commission. The commission shall consist of the Circuit Judge of the 40th Judicial Circuit who shall serve as chair; the District Judges of Clay and Coosa Counties; the District Attorney of the 40th Judicial Circuit; and three members of the Clay County Commission and three members of the Coosa County Commission selected by majority vote of their respective county commissions.

The study commission shall study: The feasibility of a joint county jail; plans and location of such a facility; methods of financing both construction and operation of the jail; and other issues pertaining to a joint county jail to serve both Clay and Coosa Counties.

The chair shall call the initial meeting before July 1, 1996, and the study commission shall report its findings to the legislative delegations of the two counties and the respective county commissions no later than January 1, 1997, at which time the study commission shall stand dissolved.

No county funds shall be expended unless approved by the respective county commissions. The commission may request necessary clerical help from the respective county commissions.

A copy of this resolution shall be sent to each county commission and to each member of the study commission named herein.

On motion of Representative Carter, the resolution, H.J.R. 434, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 449. HONORING THE LIFE OF J. C. CARR OF ONEONTA, ALABAMA.

WHEREAS, J. C. Carr, who died on October 16, 1995, served with distinction as sheriff of Blount County for 25 years from 1962, until his retirement in 1987; and

WHEREAS, he joined the department in 1955, successively serving as deputy and chief deputy and thereby beginning an outstanding tenure that was to span more than three decades in law enforcement; and

WHEREAS, over his dedicated tenure, Sheriff Carr served the department long and well in his charge to defend the peace and uphold the law, and executed his duties and responsibilities with utmost diligence and total commitment to the good and well-being of all citizens of Blount County; and

WHEREAS, he also impacted the lives of countless Alabama youth through his faithful support and service as a founding member of the Alabama Sheriffs Boys and Girls Ranches; in further support of his community and profession, he was elected president of the Alabama Sheriffs Association in 1975, was a member of the Fraternal Order of Police, Alabama Peace Officers Association, the VFW, American Legion, Oneonta Masonic Lodge #312, a Navy veteran of World War II, and a member of Lester Memorial United Methodist Church; and

WHEREAS, a lifelong resident of Blount County, and the son of the late El M. and Ora Townson Carr, Mr. Carr is survived by his devoted wife, Maxine Morton Carr; sons, Jim Carr, Charles Carr, and Kenneth Carr; grandchildren, Jennifer, Jonathan, Andy, Casey, Katie Beth, Sandy, and Amanda; and other close family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commemorate the life and service of the late J. C. Carr of Oneonta, Alabama, and direct that a copy of this resolution be provided for his family that they may know of our shared sorrow in their great and grievous loss.

On motion of Representative Carter, the resolution, H.J.R. 449, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 450. DESIGNATING TOURISM WEEK 1996 IN THE STATE OF ALABAMA.

WHEREAS, the travel and tourism industry is vital to the State of Alabama, and the United States, contributing to our economic prosperity, employment, international trade, peace, understanding, and goodwill; and

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WHEREAS, travel and tourism ranks as one of Alabama's top industries in the amount of revenues generated; and

WHEREAS, tourism contributed an estimated total of \$4.571 billion to the economy in 1995 and, during that time, several million tourists visited the State of Alabama; and

WHEREAS, travel and tourism provided more than 140,169 jobs in 1995 in Alabama, accounting for a total resident income of \$2,891,983,000; and

WHEREAS, the tourism industry provides employment for more youth, women, and minorities than any industry in Alabama; and

WHEREAS, as people throughout the world become more aware of the outstanding cultural and recreational resources available in the United States, travel and tourism will become an increasingly important aspect in the lives of the people of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the second week of May 1996 is hereby designated as "Tourism Week" in Alabama and Fob James, Jr., Governor of the State of Alabama, is requested to issue a proclamation calling upon citizens throughout the state to observe this week with appropriate ceremonies and activities.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor James and to the Alabama Bureau of Tourism and Travel.

On motion of Representative Carter, the resolution, H.J.R. 450, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 101. DESIGNATING THE WEEK OF MAY 19-25, 1996, AS "EMERGENCY MEDICAL SERVICES WEEK" IN ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 101.

BILLS ON SECOND READING

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1004. To amend Section 11-42-40, Code of Alabama 1975, to exempt a Class 1 municipality from certain annexation election procedure.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 834. (With Substitute): To amend Sections 32-6-18 and 32-6-19 of the Code of Alabama 1975, relating to punishment for traffic violations; to impose an additional penalty of \$50 on any person found guilty of driving a motor vehicle with a revoked, suspended, or cancelled driver's license or without a driver's license; to provide that the additional penalty minus a five percent administrative charge be allocated to the Traffic Safety Trust Fund in the State Treasury; and to provide that the Traffic Safety Section of the Alabama Department of Economic and Community Affairs administer the proceeds.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1003. To propose an amendment to the Constitution of Alabama of 1901 that annuls Section 65 thereof and substitutes in lieu of the section so annulled provisions to authorize the Legislature by law to prohibit or to allow and control lotteries to such extent and under such conditions as it determines to be in the best interests of the people of the state; to provide that certain provisions of the Constitution shall not restrict the power of the Legislature to enact laws to prohibit, authorize, license, regulate or tax lotteries; to require the Legislature to establish an education improvement program known as the STARS Program (Student Tuition Assistance, Resources and Safety) and to fund said program from lottery profits derived by the state from a statewide lottery; to provide that the STARS Program will make available tuition scholarships and other financial assistance to qualified students who graduate from secondary schools in Alabama so that they may attend post-secondary institutions in Alabama; to provide that the STARS Program will also, to the extent that funds appropriated therefor are available after fully providing for said scholarship program, (i) promote knowledge and use of technology in the public schools by providing funds for the state technology portion of the Foundation Program and (ii) provide funds for facilities and operating costs intended to create and maintain a safe learning environment in the

public schools; to provide that lottery profits that are not appropriated for the STARS Program shall be distributed: 50% to the State General Fund and 50% to the Education Trust Fund; and to specify the purposes for which lottery profits credited to either the State General Fund or the Education Trust Fund may be appropriated by law.

The above bill was read a second time at length as required by the Constitution.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 884. To amend Section 11-41-1 of the Code of Alabama 1975, relating to the incorporation of municipalities, to further provide for the number of qualified electors required to reside in each quarter of each quarter section of the territory proposed in order for the territory to be included in the proposed municipality.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1001. (With Amendment): Exempting certain early retirement incentive bonuses paid to persons retiring from a two-year junior, technical, or vocational college or school from an occupational license tax or fee levied by a local governmental entity retroactive to April 1, 1996.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 988. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Springville in St. Clair County.

H. 998. Relating to Blount County, authorizing the county commission to collect taxes, licenses, and other fees and/or revenues currently being collected by the State Department of Revenue.

H. 999. Relating to Blount County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for operation, equipping, furnishing, and financing of a county jail.

H. 1000. Relating to Blount County; authorizing the sheriff to operate a jail commissary and contract telephones for inmates, pay telephones, and vending machines located in the Blount County Law Enforcement Center; providing for the deposit of monies earned; and providing for the distribution and auditing of the funds.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 779. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

H. 949. Relating to the City of Birmingham in Jefferson County; to authorize the Board of Managers of the City of Birmingham Retirement and Relief System to grant Ben Byrd a pension based upon extraordinary disability; and to award the pension if, in the judgment of the Board of Managers, the pension is required.

H. 913. Relating to the Bessemer Division of the Tenth Judicial Circuit in Jefferson County, amending Act No. 90-202, H. 449, 1990 Regular Session so as to allow the Elected Assistant District Attorney to designate the level and step, at the time of appointment, of any appointed Deputy District Attorneys authorized by this act.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 947. (With Amendment): Relating to Mobile County; to amend and reenact Act No. 161 of the 1957 Regular Session (Acts 1957, p. 210), which created the Water Works and Sewer Board of the City of Prichard; to change the name and provide for the employees' pension plan; to provide retirement credit for temporary total disability and provide for retirement of employees; to provide appropriations for funeral expenses upon the death of any employer of the board; to provide for gifts, donations, and legalities to the fund; to provide for the appointment of trustees; and to provide penalties for violations.

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Representative Hall (A), Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1002. Relating to Madison County, amending Act No. 80-277, 1980 Regular Session, as amended, and providing further for the organization and operation of the Madison County Legislative Delegation Office.

H. 984. To further provide for the compensation of the Huntsville City Board of Education upon approval by a majority of the members of the board.

H. 924. Relating to Madison County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

H. 1006. Relating to Madison County; to authorize the Director of the Madison County License Department to charge and collect a fee not to exceed \$2.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 943. Relating to the City of Decatur in Morgan County and Limestone County; to amend Act No. 95-557, S. 595 1995 Regular Session (Acts 1995, p. 1164), altering and extending the corporate limits of the city, to further provide for the description.

S. 345. Relating to DeKalb County; providing for an advisory referendum on the question of whether the county superintendent of education shall be elected by the electors residing outside the city limits of the City of Fort Payne.

S. 343. Relating to DeKalb County; providing for an advisory referendum on the question of whether the chair of the county commission shall be combined with the Office of the Judge of Probate.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 971. (With Substitute): Relating to Clarke County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Box:

H. 1007. To amend Sections 33-2-185, 33-2-188, and 33-2-189, Code of Alabama 1975, which relate to the sale and issuance by Alabama State Docks Department of its docks facilities revenue bonds and refunding bonds, to permit the public sale of such bonds upon publication of summary notices of the sale, provided the summary notice shall be published at least one time not less than 10 days prior to the date fixed for the sale and permit the department to pay out of the proceeds of such bonds the costs of any surety bond or bonds that the department may cause to be deposited in a reserve account to further secure the payment of the principal, and premium, if any, thereof and the interest thereon.

COMMITTEE ON NAVIGATION AND WATERWAYS

By Representatives McDaniel, Hammett, Clark (J), and McMillan:

H. 1008. Creating the Alabama State Park System Permanent Study Committee; to provide for the duties, powers, composition, meetings, terms of office, and compensation of members of the commission.

COMMITTEE ON STATE ADMINISTRATION

By Representative Moore (With Notice and Proof):

H. 1009. To amend further Act No. 91-705, H. 1082, 1991 Regular Session (Acts of Alabama 1991, p. 1374), as last amended by Act No. 93-498, H. 776, 1993 Regular Session (Acts of Alabama 1993, p. 838), relating to Coffee County and providing for a special recording fee for documents filed in the office of the Judge of Probate, to provide further for the disposition of the fee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1009, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Carothers (With Notice and Proof):

H. 1010. To alter or rearrange the boundary lines of the Town of Taylor, Houston County, Alabama so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

COMMITTEE ON LOCAL GOVERNMENT

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1010, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Carothers (With Notice and Proof):

H. 1011. To alter or rearrange the boundary lines of the Town of Taylor, Houston County, Alabama so as to include within the corporate limits of said Town certain territory being located in Geneva County, Alabama which is contiguous to the current corporate limits of the Town.

COMMITTEE ON LOCAL GOVERNMENT

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1011, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Venable:

H. 1012. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coosa County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Gipson (With Notice and Proof):

H. 1013. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1013, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Moore:

H. 1014. To make an appropriation from the General Fund in the State Treasury to the sheriff of each county, in an amount equal to the gross receipts of pistol permit fees collected by the sheriff of each county during the current fiscal year for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Murphree:

H. 1015. To provide the owner of a motor vehicle that passes a school bus which is stopped for the purpose of receiving or discharging passengers may be charged with a traffic violation even if the owner was not driving the motor vehicle at the time the traffic violation was committed; and to provide that charges against the owner shall be dropped if the owner can prove the identity of the driver.

COMMITTEE ON JUDICIARY

By Representative Hall (L):

H. 1016. To amend Section 38-7-2, Code of Alabama 1975, to provide for the licensing of small and large child care group homes.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Pringle, Buskey, Gaston, Hall (L), Rogers (J), and Box:

H. 1017. To exempt the Little Sisters of the Poor from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Pringle:

H. 1018. To amend Sections 25-5-77 and 25-5-314, Code of Alabama 1975, to provide further for communications between an employer and the treating physician of an injured employee of the employer; to provide procedures for determining whether the treatment of a designated physician is reasonable, necessary, or both; and to provide a procedure whereby the employer may direct certain referrals from the treating physician to another physician.

COMMITTEE ON BUSINESS AND LABOR

By Representative Pringle:

H. 1019. Relating to workers' compensation; to amend Sections 25-5-51, 25-5-53, and 25-5-89, Code of Alabama 1975, to provide for denial of benefits when an employee tests positive for intoxication or drug use; to create a rebuttable presumption relating to determining the cause of an accident; to extend immunity to certain persons; to define those court costs subject to taxation of costs; and to provide for offers of judgment in workers' compensation cases.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Hawk and Hinshaw:

H. 1020. To amend Section 22-21-316 of the Code of Alabama 1975, relating to health care facilities and authorities; to provide further for the election of board members; to provide an audit of the books and records of the authorities by the Examiners of Public Accounts; to repeal Section 22-21-319 of the Code of Alabama 1975, giving the health care authorities the power of eminent domain; to repeal Section 22-21-334 of the Code of Alabama 1975, exempting the members of a health care authority board or any of its officers or employees from the Ethics Act; to provide for open meetings of the board; to repeal Section 22-21-335 of the Code of Alabama 1975; exempting the authorities from the Competitive Bid Laws; and to repeal Section 22-21-352 of the Code of Alabama 1975, relating to further provisions of amending certificates of incorporation or reincorporation.

COMMITTEE ON HEALTH

RESOLUTION

The following resolution was introduced:

By Representatives Hill and Knight (A):

H.R. 452. URGING THE ALABAMA SENATE TO ACT ON S.B. 424 (MINI CODE).

WHEREAS, the Senate Banking and Insurance Committee Substitute for S. 424, a bill amending the Mini Code, is the only Senate Bill addressing reform of the State Mini Code that is currently in a position to receive a vote; and

WHEREAS, S. 424 was read for a second time and ordered placed on the Senate Calendar with a substitute on February 27, the 5th legislative day, where it has languished, unacted upon as of this date, April 24, the 23th legislative day; and

WHEREAS, the stalling tactics of a handful of Senators have frustrated the orderly legislative process on this issue of vital importance to the financial stability of this state and its citizens; and

WHEREAS, the Governor has repeatedly expressed his support for the bill, as he did for H. 90, the same bill of the 1996 Special Session, which this House passed 93-0, only to have it die in the Senate Judiciary Committee; and

WHEREAS, despite the overwhelming demand of the Governor, House of Representatives, and the citizens of this state for Mini Code reform, the Senate continues to be obstructed and manipulated by the will of a few Senators who have a special interest in killing this legislation; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we urge the Senate to immediately act on the Substitute of S. 424, and call upon the Lt. Governor to make consideration of S. 424 his first priority, and to provide leadership on this important issue.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hill, the rules were suspended in order to take up for immediate consideration the foregoing resolution, H.R. 452.

RESOLUTION ADOPTED

On motion of Representative Hill, the resolution, H.R. 452, was adopted.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hayden, the Budget Isolation Resolution relating to the bill, H. 364, was adopted.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Black (L), Box, Boyd, Carter, Clark (W), Clouse, Collins, Curry, Gaines, Gipson, Guin, Hammett, Haney, Hayden, Hill, Hogan, Hooper, Jackson, Knight (A), Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Petelos, Rogers (M), Sims, Spratt, Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 364. Relating to Hale County; to provide the collection and disposition of a special indexing fee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Carns, Carter, Clark (W), Clouse, Curry, Ford, Gaines, Gipson, Guin, Hammett, Haney, Hayden, Hogan, Hooper, Jackson, Kennedy, Maull, McAdory, McMillan, Mitchell, Moore, Morton, Newton (C), Newton (D), Parker (T), Payne, Petelos, Rogers (J), Rogers (M), Spratt and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 938, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Curry, Drake, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Venable, White and Willis.

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And the bill:

H. 938. Relating to Chambers County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; and providing for the disposition of proceeds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McClammy, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Rogers (M), Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 939, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Dolbare, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderson, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-62

And the bill:

H. 939. Relating to Chambers County; providing further for the use of certain funds accruing to the Sheriff's Work Release Fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Curry, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hammett, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McMillan, Millican, Mitchell, Morrison, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Venable and Willis.

-55

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 940, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Rogers (M), Sims, Smith, Spratt, Turner, Turnham, Venable, White, Willis and Wren.

-58

And the bill:

H. 940. Relating to Chambers County; providing for the levy of an additional recording fee upon court documents filed for record with the judge of probate; and providing that the fee shall not apply to real property or U.C.C. instruments.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hayden, Hill, Hilliard, Hinshaw, Jackson, Johnson (R), Kennedy, Laird, Lindsey, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Rogers (M), Sims, Smith, Venable, White, Willis and Wren.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 941, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderson, Sims, Turner, Venable, Willis and Wren.

-56

And the bill:

H. 941. Relating to Chambers County; providing for the county commission to reimburse the office of judge of probate for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith and providing that reimbursement payments be made from the county general fund.

was taken up.

SUBSTITUTE OFFERED

Representative Laird offered the following substitute to the bill, H. 941:

A BILL TO BE ENTITLED AN ACT

Relating to Chambers County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Chambers County, when a personal check given for a motor vehicle license is found to be noncollectible for any reason, the judge of probate shall notify the revenue officer who shall make a reasonable attempt to retrieve the motor vehicle license in question. In the event the motor vehicle license cannot be retrieved, the revenue officer shall so state and the statement shall constitute authorization for the judge of probate to void the motor vehicle license. Once the motor vehicle license has been voided, the judge of probate shall receive credit for the cost of the motor vehicle license, sales and use tax, and the issuance fee. The appropriate state office shall mark the records pertaining to the void license accordingly and upon inquiry by any law enforcement agency, shall notify the agency that the party in question is operating under a void license. All violations shall be prosecuted in accordance with current law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Curry, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Petelos, Rogers (M), Sanderson, Sims, Spratt, Turnham, Venable, White, Willis and Wren.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 941. Relating to Chambers County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 59; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Curry, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderson, Sims, Spratt, Townsend, Turnham, Venable, White, Willis and Wren.

-59

Nay:

Representative Hill.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 942, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Petelos, Rogers (M), Sims, Smith, Spratt, Turnham, Venable, Warren, White, Willis and Wren.

-56

And the bill:

H. 942. Relating to Chambers County; to amend Section 2 of Act No. 1180, H. 2226, 1971 Regular Session, as amended, relating to the issuance of pistol permits by the sheriff, to provide further for the disposition of the fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Rogers (M), Smith, Spratt, Turner, Turnham, Venable, White and Willis.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 970, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Sanderson, Smith, Townsend, Turnham, Venable, Warren, White, Willis and Wren.

-60

And the bill:

H. 970. Relating to Lamar County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 975, was adopted.

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Yeas 63; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, White, Willis and Wren.

-63

Nay:

Representative Warren.

- 1

And the bill:

H. 975. Relating to the Town of Pollard in Escambia County; to designate certain railroad crossings in the town as public crossings.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, H. 977, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Kennedy, Lindsey, McClammy, McMillan, Millican, Moore, Murphree, Newton (C), Parker (P), Parker (T), Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Venable, Warren, Willis and Wren.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 977. To authorize the county commission of Monroe County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Monroe County, on all taxable property situated in Monroe County, the special ad valorem tax for necessary public buildings, bridges and roads which is authorized in Section 215 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.65 on each one hundred dollars (6.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy rate may be used only for the acquisition, construction, maintenance and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose; provided further, that (a) the levy of three of the additional mills shall be discontinued when all obligations issued by either the county or any public corporation issuing debt to construct a jail for lease to the county have been paid, and (b) the remaining one of the additional mills shall thereafter be used solely for the purpose of paying costs of operating and maintaining the jail.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

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Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gipson, Guin, Hammett, Hayden, Hilliard, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Lindsey, McClammy, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Venable, Warren, White, Willis and Wren.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 979, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Carothers, Carter, Clouse, Curry, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Penry, Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Venable, White, Willis and Wren.

-56

And the bill:

H. 979. Relating to Baldwin County; relating to the compensation and expense allowance for the Sheriff of Baldwin County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Carothers, Carter, Clouse, Curry, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Parker (T), Penry, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, White, Willis and Wren.

-54

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, H. 985, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaines, Gipson, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, Melton, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-53

And the bill:

H. 985. Relating to Macon County; abolishing the office of constable.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gipson, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Kennedy, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Moore,

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Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-59

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 980, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Smith, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-61

And the bill:

H. 980. Relating to Tuscaloosa County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (J), Townsend, Turnham, Venable, Willis and Wren.

-59

H. 936 CONTESTED

Representative Melton lodged a contest relating to the bill, H. 936.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 969, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Box, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Knight (A), Laird, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-57

And the bill:

H. 969. Relating to Shelby County; amending Sections 3, 4, and 6 of Act No. 88-389, H. 803 of the 1988 Regular Session (Acts 1988, p. 578), relating to the excise tax on certain tobacco products; allowing the Shelby County Commission to collect and distribute the tax; and allowing the affixing of stamps by the Shelby County Commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carothers, Carter, Clouse, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hill, Hilliard, Hogan, Jackson, Johnson (R), Knight (A), Lindsey, Maull, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (T), Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrison, the Budget Isolation Resolution relating to the bill, H. 968, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Carothers, Carter, Clouse, Collins, Curry, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Parker (T), Petelos, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Willis and Wren.

-58

And the bill:

H. 968. (With Substitute): To alter and rearrange the boundary lines and corporate limits of the municipality of Cullman in Cullman County to remove certain property from the corporate limits of the municipality.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1 to the bill, H. 968, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To alter and rearrange the boundary lines and corporate limits of the municipality of Cullman in Cullman County to remove certain property from the corporate limits of the municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the municipality of Cullman in Cullman County are altered and rearranged to remove from the corporate limits of the municipality all of the following territory:

Four hundred feet of even width off of and across the East side of the Southwest Quarter of the Northwest Quarter of Section 17, Ts10S, Range 3 West, being more particularly described as follows: Beginning at the Northwest Corner

of said forty; then West along the North forty line 400 feet; thence South along a line parallel to and 400 feet West of East forty line to the South forty line, thence East along South forty line to a point on the North R-O-W of Highway 278; thence North and East along said R-O-W to a point on the East line of said forty; thence North along the East forty line back to the point of beginning.

All being in Cullman County, State of Alabama.

Section 2. In accordance with Section 11-42-6 of the Code of Alabama 1975, a map showing the proposed territory to be removed from the municipality of Cullman is on file and open to public inspection in the office of the Judge of Probate in Cullman County, Alabama.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Parker (T), Payne, Pringle, Rogers (M), Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-60

And the bill:

H. 968. To alter and rearrange the boundary lines and corporate limits of the municipality of Cullman in Cullman County to remove certain property from the corporate limits of the municipality.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 0.

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Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Gaines, Galliher, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McClammy, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carter, the Budget Isolation Resolution relating to the bill, H. 974, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-64

And the bill:

H. 974. Relating to Limestone County; to provide that the privilege tax imposed by Local Act No. 230, 1927 Regular Session (Local Acts 1927, p. 135), as amended by Local Act No. 98, Special Session 1936 (Local Acts 1936, p. 56), shall not apply to gasoline or motor fuel stored or sold for use in vehicles, equipment, and aircraft designed primarily for off-road use; to provide for retroactive application without refund obligation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McClammy, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-67

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 978, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Carothers, Clouse, Collins, Curry, Drake, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Lindsey, Maull, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Petelos, Rogers (M), Smith, Spratt, Starkey, Vance, Venable, Warren, Willis and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 978. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, as amended by Act No. 96-24, H. 8, First Special Session 1996, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 46; Nays 1.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Carothers, Carter, Clouse, Curry, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hawkins, Hayden, Hill, Hogan, Jackson, Johnson (R), Jorgensen, Lindsey, Maull, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Vance, Venable, Warren, Willis and Wren.

-46

Nay:

Representative McMillan.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Allen, the Budget Isolation Resolution relating to the bill, H. 976, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Collins, Curry, Drake, Flowers, Ford, Gaines, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 976. Relating to Tuscaloosa County; to amend Section 11 of Act No. 328, H. 854 (1959 Regular Session), as amended by Act No. 1068, S. 940 (1973 Regular Session); to provide further for the percentage investments of the Fireman's and Policeman's Pensions and Relief Fund for the City of Tuscaloosa.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carns, Carter, Clouse, Collins, Curry, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McClammy, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Warren and Willis.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 660, was adopted.

Yeas 65; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Collins, Curry, Dean, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Minnifield, Mitchell, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable, Warren, Willis and Wren.

-65

Nay:

Representative Clouse.

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And the bill:

H. 660. Relating to Montgomery County; authorizing the Sheriff to operate a jail store/commissary for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned; providing for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Ford, Gaines, Gaston, Gipson, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Minnifield, Mitchell, Moore, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Vance, Warren, Willis and Wren.

-57

Nay:

Representative McKee.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 661, was adopted.

Yeas 63; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable, Warren, Willis and Wren.

-63

Nay:

Representative McKee.

- 1

And the bill:

H. 661. Relating to Montgomery County; providing further for the compensation of the elected official in the position of sheriff.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 2.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Buskey, Carter, Clouse, Curry, Dean, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (D), Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Dolbare and McKee.

- 2

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Warren offered the motion to reconsider the vote by which the bill, H. 977, was passed, and the motion to reconsider was adopted.

And the bill, H. 977, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

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Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Lindsey, Maull, McClammy, McMillan, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Petelos, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and White.

-65

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 453. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty Fourth legislative day, Thursday, April 25, 1996, taking precedence over the regular order of business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

And the Following bills:

Inst Id	Page
H. 578 (By Ford)	74
Unemployment comp. benefits, locked-out employees entitled to receive, Sec. 25-4-78 am'd., Act 95-311, 1995 Reg. Sess. am'd.	
H. 615 (By Mitchell)	94
General Fund Budget and Special Education Trust Fund Budget, out of conference committee 72 hours prior to vote by Legislature, const. amend.	
H. 542 (By Turnham)	53
Commission on Higher Education, executive officer desig. executive director, requirement for Senate confirmation every four years, removed, Sec. 16-5-4 am'd.	

H. 551 (By McMillan)	53
Commission on Higher Ed., auth. to approve mergers and consolidation of institutions, acquisitions of private instit. and 2-yr. to 4-yr. change prohib., purchase of nonpublic instit. by st. prohib., Sec. 16-5-8 am'd.	
H. 785 (By Venable)	122
Education, st. bd. of, membs., concurrent election provided, Sec. 16-3-1 am'd.	
H. 865 (By Laird)	135
Food, sales and use tax phased out, computer software, sales tax levied, st. sales tax incr., Secs. 40-23-1, 40-23-2, 40-23-60, 40-23-61 am'd.	
H. 309 (By Fuller)	175
Educational Resources, Inc., approp.	
H. 310 (By Fuller)	175
YMCA Youth and Government, approp.	
H. 317 (By Fuller)	177
Kate Duncan Smith DAR School, approp.	
H. 321 (By Curry)	178
Governor's Commission on Physical Fitness, approp.	
H. 330 (By Haney)	177
Space Science Exhibit Commission, approp.	
H. 333 (By Curry)	178
Camp ASCCA, approp.	
H. 337 (By Curry)	176
Birmingham Children's Theatre, approp.	
H. 342 (By Fuller)	176
Black Belt Human Resource Development Center, approp.	

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H. 312 (By Fuller) 153

Central Alabama Opportunities Industrialization Center,
approp.

H. 318 (By Kennedy) 153

Exploreum Museum of Discovery, approp.

H. 339 (By Fuller) 154

League for Advancement of Education, approp.

H. 299 (By Reed) 154

Tuskegee University, approp.

H. 392 (By Clark W) 55

Counties, co. roads, design, construction, and maintenance
standards, adoption by co. comm., Sec. 23-1-80 am'd.

H. 684 (By Crigler) 74

Game and fish, gill net licensure hardship bd., estab., sp.
licensing procedures

H. 915 (By Hooper) 173

Jurors, req. to be qualified voter in co. of residence, Sec.
12-16-60 am'd.

S. 129 (By Mitchell) 101

Contracts, party required to reimburse other party for fed.
manufacturer taxes had option re time of payment

H. 693 (By Hill) 84

Small loan laws, reg. and penalties alt. Secs. 5-18-10,
5-18-12, 5-18-15, 5-18-16, 5-18-17, 5-18-21 am'd., Sec.
5-18-24 repealed

H. 612 (By Perdue) 90

Gaines, Freddie Lee, relief act, approp.

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 453.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the resolution, H.R. 453:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty Fourth legislative day, Thursday, April 25, 1996, taking precedence over the regular order of business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

And the Following bills:

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H. 615 (By Mitchell)	94
General Fund Budget and Special Education Trust Fund Budget, out of conference committee 72 hours prior to vote by Legislature, const. amend.	
H. 542 (By Turnham)	53
Commission on Higher Education, executive officer desig. executive director, requirement for Senate confirmation every four years, removed, Sec. 16-5-4 am'd.	
H. 551 (By McMillan)	53
Commission on Higher Ed., auth. to approve mergers and consolidation of institutions, acquisitions of private instit. and 2-yr. to 4-yr. change prohib., purchase of nonpublic instit. by st. prohib., Sec. 16-5-8 am'd.	

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H. 785 (By Venable) 122

Education, st. bd. of, membs., concurrent election provided,
Sec. 16-3-1 am'd.

H. 865 (By Laird) 135

Food, sales and use tax phased out, computer software,
sales tax levied, st. sales tax incr., Secs. 40-23-1, 40-23-2,
40-23-60, 40-23-61 am'd.

H. 309 (By Fuller) 175

Educational Resources, Inc., approp.

H. 310 (By Fuller) 175

YMCA Youth and Government, approp.

H. 317 (By Fuller) 177

Kate Duncan Smith DAR School, approp.

H. 321 (By Curry) 178

Governor's Commission on Physical Fitness, approp.

H. 330 (By Haney) 177

Space Science Exhibit Commission, approp.

H. 333 (By Curry) 178

Camp ASCCA, approp.

H. 337 (By Curry) 176

Birmingham Children's Theatre, approp.

H. 342 (By Fuller) 176

Black Belt Human Resource Development Center, approp.

H. 312 (By Fuller) 153

Central Alabama Opportunities Industrialization Center,
approp.

H. 318 (By Kennedy)	153
Exploreum Museum of Discovery, approp.	
H. 339 (By Fuller)	154
League for Advancement of Education, approp.	
H. 87	
H. 299 (By Reed)	154
Tuskegee University, approp.	
H. 392 (By Clark W)	55
Counties, co. roads, design, construction, and maintenance standards, adoption by co. comm., Sec. 23-1-80 am'd.	
H. 684 (By Crigler)	74
Game and fish, gill net licensure hardship bd., estab., sp. licensing procedures	
H. 915 (By Hooper)	173
Jurors, req. to be qualified voter in co. of residence, Sec. 12-16-60 am'd.	
S. 129 (By Mitchell)	101
Contracts, party required to reimburse other party for fed. manufacturer taxes had option re time of payment	
H. 693 (By Hill)	84
Small loan laws, reg. and penalties alt. Secs. 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, 5-18-21 am'd., Sec. 5-18-24 repealed	
H. 612 (By Perdue)	90
Gaines, Freddie Lee, relief act, approp.	

SUBSTITUTE ADOPTED

And the substitute was adopted.

SUBSTITUTE OFFERED

Representative Buskey offered the following substitute to the resolution, H.R. 453, as amended:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty Fourth legislative day, Thursday, April 25, 1996, taking precedence over the regular order of business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

And the Following bills:

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Unemployment comp. benefits, locked-out employees entitled to receive, Sec. 25-4-78 am'd., Act 95-311, 1995 Reg. Sess. am'd.	
H. 615 (By Mitchell)	94
General Fund Budget and Special Education Trust Fund Budget, out of conference committee 72 hours prior to vote by Legislature, const. amend.	
H. 542 (By Turnham)	53
Commission on Higher Education, executive officer desig. executive director, requirement for Senate confirmation every four years, removed, Sec. 16-5-4 am'd.	
H. 551 (By McMillan)	53
Commission on Higher Ed., auth. to approve mergers and consolidation of institutions, acquisitions of private instit. and 2-yr. to 4-yr. change prohib., purchase of nonpublic instit. by st. prohib., Sec. 16-5-8 am'd.	
H. 785 (By Venable)	122
Education, st. bd. of, membs., concurrent election provided, Sec. 16-3-1 am'd.	

H. 865 (By Laird)	135
Food, sales and use tax phased out, computer software, sales tax levied, st. sales tax incr., Secs. 40-23-1, 40-23-2, 40-23-60, 40-23-61 am'd.	
H. 309 (By Fuller)	175
Educational Resources, Inc., approp.	
H. 310 (By Fuller)	175
YMCA Youth and Government, approp.	
H. 317 (By Fuller)	177
Kate Duncan Smith DAR School, approp.	
H. 321 (By Curry)	178
Governor's Commission on Physical Fitness, approp.	
H. 330 (By Haney)	177
Space Science Exhibit Commission, approp.	
H. 333 (By Curry)	178
Camp ASCCA, approp.	
H. 337 (By Curry)	176
Birmingham Children's Theatre, approp.	
H. 342 (By Fuller)	176
Black Belt Human Resource Development Center, approp.	
H. 312 (By Fuller)	153
Central Alabama Opportunities Industrialization Center, approp.	
H. 318 (By Kennedy)	153
Exploreum Museum of Discovery, approp.	

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H. 339 (By Fuller)	154
League for Advancement of Education, approp.	
H. 87	
H. 360	
H. 299 (By Reed)	154
Tuskegee University, approp.	
H. 392 (By Clark W)	55
Counties, co. roads, design, construction, and maintenance standards, adoption by co. comm., Sec. 23-1-80 am'd.	
H. 684 (By Crigler)	74
Game and fish, gill net licensure hardship bd., estab., sp. licensing procedures	
H. 915 (By Hooper)	173
Jurors, req. to be qualified voter in co. of residence, Sec. 12-16-60 am'd.	
S. 129 (By Mitchell)	101
Contracts, party required to reimburse other party for fed. manufacturer taxes had option re time of payment	
H. 693 (By Hill)	84
Small loan laws, reg. and penalties alt. Secs. 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, 5-18-21 am'd., Sec. 5-18-24 repealed	
H. 612 (By Perdue)	90
Gaines, Freddie Lee, relief act, approp.	

SUBSTITUTE ADOPTED

And the substitute was adopted.

AMENDMENT OFFERED

Representative Perdue offered the following amendment to the resolution, H.R. 453, as amended:

On page 3, remove the language on line 25 "H. 612 (By Perdue)...90" and place it after "H. 299" after line 8.

AMENDMENT ADOPTED

And the amendment was adopted.

RESOLUTION ADOPTED

And the resolution, H.R. 453, as amended, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 941. Relating to Chambers County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

TOMMY CARTER
Chairman

And the bill, H. 941, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

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H. 968. To alter and rearrange the boundary lines and corporate limits of the municipality of Cullman in Cullman County to remove certain property from the corporate limits of the municipality.

TOMMY CARTER
Chairman

And the bill, H. 968, as engrossed, was ordered sent to the Senate.

RECESS

The hour of 10:00 o'clock a.m. having arrived and pursuant to the motion heretofore adopted, the House recessed to a call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Ford to adopt the Budget Isolation Resolution relating to the bill, H. 578, was lost, lacking at three-fifths vote.

Yeas 52; Nays 37.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Curry, Dolbare, Drake, Ford, Galliher, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Petelos, Reed, Robinson, Seibenhener, Sims, Spratt, Turner and Willis.

Nay:

Mr. Speaker, Burke, Carns, Carter, Collins, Crigler, Dean, Dukes, Flowers, Fuller, Gaines, Gaston, Hammett, Haney, Hawkins, Hill, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, McDaniel, McKee, McMillan, Morton, Newton (C), Payne, Pringle, Rogers (M), Sanderford, Sanderson, Smith, Starkey, Thomas (D), Townsend, Turnham and Wren.

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H. 615 TAKEN UP

And the bill:

H. 615. (With Substitute): To amend Section 64 of the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt a conference committee report on the General Fund Budget or the Education Trust Fund Budget within 72 hours of the receipt of the conference committee report by that house.

and the pending substitute reported by the Standing Committee on State Administration to the bill, H. 615, on the twenty-third legislative day were taken up.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 615, and the committee substitute was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Warren, Willis and Wren.

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Nay:

Representative Parker (P).

- 1

RESOLUTIONS

The following resolutions were introduced:

By Representative Carns:

H.J.R. 454. ESTABLISHING THE COMMITTEE FOR ELECTRIC INDUSTRY ISSUES TO STUDY DEREGULATION OF THE ELECTRIC SUPPLY INDUSTRY.

The resolution, H.J.R. 454, was read and referred to the Standing Committee on Rules.

Also:

By Representative Penry:

H.R. 455. URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO EVALUATE CAREFULLY THE POTENTIAL HEALTH IMPACT AND ECONOMIC BENEFIT PURSUANT TO ADOPTING OZONE STANDARDS.

The resolution, H.R. 455, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hall (L):

H.J.R. 456. MOURNING THE DEATH OF LUCRETIA WINSTON ELMORE.

The resolution, H.J.R. 456, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hooper and Ford:

H.J.R. 457. CONDEMNING VISITS OF LOUIS FARRAKHAN TO LIBYA, IRAN, AND IRAQ, AND CALLING ON PRESIDENT CLINTON TO TAKE ACTION TO DETERMINE IF THE VISITS VIOLATE UNITED STATES LAW.

The resolution, H.J.R. 457, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Representative Curry, the House recessed until 1:00 o'clock p.m.

Yeas 77; Nays 8.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Warren, White, Willis and Wren.

-77

Nay:

Mr. Speaker, Allen, Flowers, Knight (A), Layson, Melton, Petelos and Turnham.

- 8

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

SPECIAL ORDER CALENDAR RESUMED

H. 615 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 615, as amended, was temporarily carried over at the request of Representative Mitchell.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 542, was adopted.

Yeas 67; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Laird, Layson, Maull, McAdory, McClammy, McKee, McMillan, Melton, Mitchell, Moore, Morton, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, White, Willis and Wren.

-67

Nay:

Representatives Drake and Millican.

- 2

And the bill:

H. 542. Relating to public institutions of higher education and the Alabama Commission on Higher Education; to amend Section 16-5-4 of the Code of Alabama 1975; to designate the chief executive officer of the commission as the executive director and remove the requirement that the executive director be confirmed by the Senate every four years.

was taken up.

AMENDMENT OFFERED

Representative Millican offered the following amendment to the bill, H. 542:

On page 3, remove all language on lines 23 and 24 and in lieu thereof insert the following: confirmation by the Senate each four years beginning with the Regular Session of 1981. Failure of the Senate to confirm the

AMENDMENT TABLED

On motion of Representative Turnham, the amendment offered by Representative Millican to the bill, H. 542, was tabled.

Yeas 39; Nays 26.

Yea:

Mr. Speaker, Allen, Black (M), Clark (W), Clouse, Curry, Flowers, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hinshaw, Hooper, Jorgensen, Kennedy, Lindsey, Maul, McKee, McMillan, Moore, Morrow, Newton (C), Newton (D), Papucci, Parker (T), Penry, Perdue, Petelos, Pringle, Seibenhener, Smith, Spratt, Turnham, Venable, Willis and Wren.

-39

Nay:

Representatives Carns, Carothers, Collins, Crigler, Dean, Dolbare, Drake, Gaines, Guin, Hall (A), Hill, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Millican, Morton, Murphree, Payne, Robinson, Rogers (M), Sims, Thomas (D) and Townsend.

-26

And the bill, H. 542, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

-83

Nay:

Representatives Dolbare, Drake, Millican and Sims.

H. 615 AGAIN TAKEN UP

And the bill, H. 615, as amended, which was previously temporarily carried over was again taken up.

SUBSTITUTE OFFERED

Representative Curry offered the following substitute to the bill, H. 615, as amended:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 64 of the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt an initial Conference Committee report on the General Fund Budget or the Education Trust Fund Budget within 24 hours of the receipt of the Conference Committee report by that house and to provide a copy of the Conference Committee budget to members of the Legislature. In addition, this bill provides for subsequent Conference Committee votes and copies of the budget bills to the Legislature and to provide in all cases for an analysis of language and money changes to be made available to members of the Legislature.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

Section 64 of the Constitution of Alabama of 1901, is amended to read as follows:

"Section 64.

"No amendment to bills shall be adopted except by a majority of the house wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the journal of the house in which the same is adopted, and no amendment to bills by one house shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the journal; and no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments. Neither house may vote on a Conference Committee report on a bill containing the General Fund Budget or the Education Trust Fund Budget within 24 hours of the receipt of the

conference committee report by that house. A copy of the Conference Committee report on a budget bill shall be made available to members of the Legislature at least 24 hours before a vote may be taken on that Conference Committee report. In the event that a Conference Committee report on a budget bill is rejected and a subsequent Conference Committee report is offered, the subsequent Conference Committee report may not be voted upon within four hours of receipt of the subsequent Conference Committee report by that House. Copies of any subsequent Conference Committee reports on a budget bill must be available to members of the Legislature at least four hours before a vote may be taken on the Conference Committee report. An analysis of the Conference Committee report on a budget bill detailing language and money changes from the version of the bill that passed the respective chamber shall also be made available to members of the Legislature.

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt an initial Conference Committee report on the General Fund Budget or the Education Trust Fund Budget within 24 hours of the receipt of the Conference Committee report by that house; to provide that copies of the initial Conference Committee budget shall be made available to members of the Legislature at least 24 hours before a Conference Committee vote; to provide that subsequent Conference Committee votes and the distribution of copies of subsequent Conference Committee reports shall be made available to members of the Legislature at least four hours prior to a vote being taken and to provide in all cases an analysis of language and money changes to be made available to members of the Legislature.

Proposed by Act _____"

This description shall be followed by the following language:

"Yes () No ()."

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake,

Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

-87

And the bill:

H. 615. To amend Section 64 of the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt an initial Conference Committee report on the General Fund Budget or the Education Trust Fund Budget within 24 hours of the receipt of the Conference Committee report by that house and to provide a copy of the Conference Committee budget to members of the Legislature. In addition, this bill provides for subsequent Conference Committee votes and copies of the budget bills to the Legislature and to provide in all cases for an analysis of language and money changes to be made available to members of the Legislature.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

-97

BUDGET ISOLATION RESOLUTION OFFERED

Representative McMillan offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 551.

MOTION TO CARRY OVER TABLED

On motion of Representative McMillan, the motion offered by Representative Morrison to carry over the bill, H. 551, and the pending Budget Isolation Resolution to the twenty-seventh legislative day was tabled.

Yeas 42; Nays 28.

Yea:

Mr. Speaker, Black (M), Burke, Carns, Clouse, Collins, Crigler, Dean, Fuller, Gaines, Gaston, Gipson, Hammett, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Kennedy, Knight (A), Laird, Lindsey, McKee, Millican, Minnifield, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (T), Petelos, Pringle, Rogers (M), Seibenhener, Thomas (D), Turner, Venable, Willis and Wren.

-42

Nay:

Representatives Drake, Flowers, Galliher, Graham, Guin, Hall (A), Haney, Hawk, Hayden, Jackson, Knight (J), McAdory, McDaniel, Morrison, Morrow, Murphree, Page, Parker (P), Payne, Perdue, Robinson, Rogers (J), Sims, Smith, Starkey, Turnham, Warren and White.

-28

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative McMillan to the bill, H. 551, and the Budget Isolation Resolution was adopted.

Yeas 60; Nays 17.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Clouse, Crigler, Curry, Dean, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Kennedy, Knight (A), Laird, Lindsey, McClammy, McKee, McMillan, Melton, Minnifield, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Venable, Willis and Wren.

-60

Nay:

Representatives Dolbare, Drake, Flowers, Guin, Hall (A), Hawk, Hayden, Jackson, Millican, Morrison, Morrow, Murphree, Robinson, Starkey, Turnham, Warren and White.

-17

And the bill:

H. 551. (With Amendment): Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-8 of the Code of Alabama 1975, to authorize the commission to approve mergers and consolidations; to prohibit public institutions from merging with or acquiring a nonpublic institution or a unit thereof; to prohibit the state from acquiring a nonpublic institution or its assets; and to prohibit a two-year associate degree granting institution from becoming a four-year degree granting institution.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Education to the bill, H. 551, said committee amendment being as follows:

Amend H. 551 on Page 3, after the line 13 by inserting the following language:

"d. Any merger of a two-year public institution of higher education with a four-year public institution of higher education.

MOTION TO TABLE LOST

The motion offered by Representative Payne to table the amendment reported by the Standing Committee on Education to the bill, H. 551, was lost.

Yeas 27; Nays 53.

Yea:

Representatives Burke, Carns, Clouse, Drake, Ford, Guin, Hall (A), Hamilton, Hawk, Houston, Johnson (E), McAdory, Moore, Morrison, Morrow, Morton, Page, Payne, Perdue, Robinson, Rogers (J), Sanderson, Spratt, Starkey, Townsend, Warren and White.

-27

Nay:

Mr. Speaker, Allen, Black (M), Box, Carothers, Collins, Crigler, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McKee, McMillan, Millican, Minnifield, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Smith, Thomas (D), Turner, Venable, Willis and Wren.

-53

MOTION TO INDEFINITELY POSTPONE OFFERED

Representative Payne offered the motion to indefinitely postpone the bill, H. 551, and the pending amendment reported by the Standing Committee on Education.

RESOLUTION

The following resolution was introduced:

By Representative Haney:

H.J.R. 458. COMMENDING PRISCILLA BYNUM SEELEY FOR HER OUTSTANDING CAREER ACCOMPLISHMENTS.

The resolution, H.J.R. 458, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Representative Drake, the House adjourned until 1:00 o'clock p.m., Tuesday, April 30, 1996.

Yeas 44; Nays 36.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Carothers, Clark (W), Collins, Curry, Drake, Flowers, Galliher, Graham, Hall (A), Hawk, Hawkins, Hilliard, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), McAdory, McClammy, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Page, Parker (P), Payne, Perdue, Robinson, Rogers (J), Sanderson, Spratt, Starkey, Townsend, Warren and White.

-44

Nay:

Mr. Speaker, Allen, Burke, Carns, Clouse, Crigler, Dean, Dolbare, Dukes, Fuller, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hill, Hogan, Johnson (E), Laird, Layson, McDaniel, McKee, McMillan, Newton (C), Parker (T), Penry, Pringle, Rogers (M), Sanderford, Sims, Smith, Thomas (D), Venable, Willis and Wren.

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**REGULAR SESSION
25th Day**

2383

TWENTY-FIFTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, April 30, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Dolbare.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Amber Robinson, 8th Grade, Gresham Middle School, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-fourth legislative day was dispensed with.

RECESS

On motion of Representative Hammett, the House recessed to a call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 214. To amend Sections 16-6B-2, 16-6B-8, 16-13-232, and 16-13-236, Code of Alabama 1975, to define vocational/technical education, vocational/technical instructor, and vocational support personnel; to increase the base amount of state funds spent by local school boards for vocational/technical education each year by the same percentage as teacher salaries; to provide that each comprehensive high school having a vocational director/administrator and/or a vocational counselor in 1994-95 shall continue to do so; to provide that funds received from the state by local boards of education for vocational/technical education be used only for vocational/technical education or vocational support personnel and that any remaining funds revert to the Alabama Special Educational Trust Fund for allocation toward instructional support costs of vocational/technical education; and to express the intent of the Legislature regarding the allocation of funds from the Public School Fund.

TOMMY CARTER
Chairman

And the bill, H. 214, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 615. To amend Section 64 of the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt an initial Conference Committee report on the General Fund Budget or the Education Trust Fund Budget within 24 hours of the receipt of the Conference Committee report by that house and to provide a copy of the Conference Committee budget to members of the Legislature. In addition, this bill provides for subsequent Conference Committee votes and copies of the budget bills to the Legislature and to provide in all cases for an analysis of language and money changes to be made available to members of the Legislature.

TOMMY CARTER
Chairman

And the bill, H. 615, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 624. To provide for the coverage of postpartum care under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

TOMMY CARTER
Chairman

And the bill, H. 624, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 694. To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed and operated at the Anniston Army Depot for any purpose other than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

TOMMY CARTER
Chairman

And the bill, H. 694, as engrossed, was ordered sent to the Senate.

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that the House recess from 2:00 o'clock p.m. until a call of the Chair was adopted.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, May 2, 1996, and the motion was adopted.

SPECIAL ORDER CALENDAR CONTINUED

The House then proceeded with the consideration of the Special Order Calendar, H.R. 453, as amended, which was adopted on the twenty-fourth legislative day.

H. 551 TAKEN UP

And the bill:

H. 551. (With Amendment): Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-8 of the Code of Alabama 1975, to authorize the commission to approve mergers

and consolidations; to prohibit public institutions from merging with or acquiring a nonpublic institution or a unit thereof; to prohibit the state from acquiring a nonpublic institution or its assets; and to prohibit a two-year associate degree granting institution from becoming a four-year degree granting institution.

the pending amendment reported by the Standing Committee on Education and the motion offered by Representative Payne to indefinitely postpone on the twenty-fourth legislative day were taken up.

MOTION TO INDEFINITELY POSTPONE WITHDRAWN

At the request of Representative Payne, unanimous consent was granted for him to withdraw his motion to indefinitely postpone the bill, H. 551, and the pending amendment reported by the Standing Committee on Education.

The question was then on the adoption of the amendment reported by the Standing Committee on Education to the bill, H. 551.

MOTION TO TABLE LOST

The motion offered by Representative Payne to table the amendment reported by the Standing Committee on Education to the bill, H. 551, was lost.

Yeas 25; Nays 52.

Yea:

Representatives Black (L), Black (M), Carns, Carothers, Drake, Guin, Hall (A), Hawk, Hayden, Jackson, Johnson (R), McClammy, Morrison, Morrow, Morton, Murphree, Page, Payne, Petelos, Robinson, Sims, Starkey, Thomas (D), Townsend and White.

-25

Nay:

Mr. Speaker, Allen, Baker, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Knight (A), Laird, Layson, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Turner, Turnham, Venable, Warren and Willis.

-52

SUBSTITUTE AMENDMENT OFFERED

Representative Guin offered the following substitute amendment to the amendment reported by the Standing Committee on Education to the bill, H. 551:

Amend H. 551 on Page 3, after the line 13 by inserting the following language: "d. Any merger of a two-year public institution of higher education with a four-year public institution of higher education until June 1, 2001.

RECESS

The hour of 2:00 o'clock p.m. having arrived and pursuant to the motion heretofore adopted, the House recessed until a call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

H. 551 RESUMED**MOTION IN WRITING OFFERED**

Representative Seibenhener offered the following Motion in Writing relating to the bill, H. 551:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 52; Nays 31.

Yea:

Mr. Speaker, Allen, Box, Burke, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Thomas (D), Turner, Vance, Venable, Warren and Wren.

REGULAR SESSION
25th Day

2389

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Clark (W), Drake, Fuller, Guin, Hall (A), Hall (L), Hawk, Hayden, Hogan, Houston, Johnson (E), McAdory, McClammy, Millican, Morrison, Morrow, Page, Parker (P), Payne, Robinson, Rogers (J), Starkey, Townsend and Turnham.

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SUBSTITUTE AMENDMENT LOST

The question was then on the adoption of the substitute amendment offered by Representative Guin to the committee amendment to the bill, H. 551, and the substitute amendment was lost.

Yeas 24; Nays 62.

Yea:

Representatives Black (M), Carns, Drake, Guin, Hall (A), Hawk, Hayden, Hogan, Houston, Johnson (E), Layson, Lindsey, McAdory, Morrison, Morrow, Murphree, Page, Payne, Robinson, Rogers (J), Starkey, Townsend, Warren and White.

-24

Nay:

Mr. Speaker, Allen, Baker, Box, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, McDaniel, McKee, Millican, Minnifield, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turner, Turnham, Vance, Venable, Willis and Wren.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment reported by the Standing Committee on Education to the bill, H. 551, and the committee amendment was adopted.

Yeas 71; Nays 18.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turner, Turnham, Vance, Venable, Willis and Wren.

-71

Nay:

Representatives Black (M), Carns, Drake, Guin, Hall (A), Hawk, Hayden, Hogan, McClammy, Morrison, Morrow, Payne, Robinson, Rogers (J), Starkey, Townsend, Warren and White.

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And the bill:

H. 551. Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-8 of the Code of Alabama 1975, to authorize the commission to approve mergers and consolidations; to prohibit public institutions from merging with or acquiring a nonpublic institution or a unit thereof; to prohibit the state from acquiring a nonpublic institution or its assets; and to prohibit a two-year associate degree granting institution from becoming a four-year degree granting institution.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-79

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25th Day**

2391

Nay:

Representatives Black (M), Drake, Hall (A), Hayden, Morrison, Morrow, Robinson, Starkey, Warren and White.

-10

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 785, was adopted.

Yeas 64; Nays 24.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Lindsey, Maul, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-64

Nay:

Representatives Baker, Bandy, Black (L), Buskey, Clark (W), Hall (A), Hall (L), Hayden, Houston, Jackson, Johnson (E), Knight (J), McAdory, Melton, Minnifield, Mitchell, Morrow, Newton (D), Page, Perdue, Rogers (J), Spratt, Warren and White.

-24

And the bill:

H. 785. To amend Section 16-3-1, Code of Alabama 1975, to make retroactive to the general election of 1986 the concurrent election of members of the State Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 26.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-66

Nay:

Representatives Baker, Bandy, Black (L), Buskey, Carothers, Clark (W), Curry, Gaines, Hall (L), Hayden, Houston, Jackson, Johnson (E), Knight (J), McAdory, Minnifield, Mitchell, Newton (D), Perdue, Rogers (J), Sanderson, Spratt, Thomas (D), Thomas (J), Warren and White.

-26

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Laird to adopt the Budget Isolation Resolution relating to the bill, H. 865, was lost.

Yeas 36; Nays 53.

Yea:

Representatives Bandy, Burke, Buskey, Clark (W), Collins, Ford, Fuller, Gaines, Galliher, Graham, Hall (L), Hawk, Hill, Holmes, Hooper, Kennedy, Laird, Layson, Lindsey, McClammy, McDaniel, McKee, Minnifield, Mitchell, Moore, Morrison, Murphree, Parker (P), Penry, Perdue, Sanderson, Smith, Spratt, Starkey, Thomas (D) and White.

-36

Nay:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Maull, McAdory, McMillan, Melton, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Payne, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-53

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 551. Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-8 of the Code of Alabama 1975, to authorize the commission to approve mergers and consolidations; to prohibit public institutions from merging with or acquiring a nonpublic institution or a unit thereof; to prohibit the state from acquiring a nonpublic institution or its assets; and to prohibit a two-year associate degree granting institution from becoming a four-year degree granting institution.

TOMMY CARTER
Chairman

And the bill, H. 551, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 309, was adopted.

Yeas 72; Nays 18.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Clouse, Collins, Dolbare, Galliher, Gipson, Hamilton, Jackson, Johnson (E), Jorgensen, Laird, Layson, Mitchell, Page, Parker (P), Rogers (M), Sims, Turnham and Vance.

-18

And the bill:

H. 309. (With Substitute): To make an appropriation of \$100,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 309, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$50,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$50,000 to Educational Resources, Inc. from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1997, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 1.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representative Gipson.

- 1

And the bill:

H. 309. To make an appropriation of \$50,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 14.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Drake, Dukes, Ford, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representatives Clouse, Collins, Dolbare, Gaines, Galliher, Gipson, Hamilton, Laird, Layson, Page, Parker (P), Rogers (M), Sanderson and Sims.

-14

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 310, was adopted.

Yeas 89; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representatives Clouse, Dolbare, Layson and Parker (P).

- 4

And the bill:

H. 310. (With Substitute): To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 310, said committee substitute being as follows:

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25th Day**

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**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$17,681 to the Alabama YMCA Youth and Government for use in its legislative and judicial programs from the Education Trust Fund for support and maintenance of said programs. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

H. 310. To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representatives Collins, Dolbare, Gaines, Layson, Parker (P) and Sanderson.

- 6

CO-SPONSOR ADDED

Representative Hooper was added as co-sponsor to the bill, H. 310, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 317, was adopted.

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Yeas 81; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Venable, Warren, White, Willis and Wren.

-81

Nay:

Representatives Clouse, Parker (P), Rogers (M), Seibenhener and Townsend.

- 5

And the bill:

H. 317. (With Substitute): To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 317, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$45,000 to the Kate Duncan Smith DAR School from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1997, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Venable, Warren, White, Willis and Wren.

-88

Nay:

Representatives Clouse and Townsend.

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2401

And the bill:

H. 317. To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 11.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Venable, Warren, White and Willis.

-78

Nay:

Representatives Clouse, Gaines, Gipson, McKee, Page, Parker (P), Rogers (M), Seibenhener, Thomas (D), Townsend and Wren.

-11

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 321, was adopted.

Yeas 81; Nays 12.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison,

Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

-81

Nay:

Representatives Baker, Clouse, Dolbare, Gipson, Hamilton, Jackson, Page, Parker (P), Robinson, Rogers (M), Seibenhener and Vance.

-12

And the bill:

H. 321. (With Substitute): To make an appropriation of \$301,317 from the Education Trust Fund and an appropriation of \$572 from Local Funds to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1997.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 321, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$150,658 from the Education Trust Fund and an appropriation of \$572 from Local Funds to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1997.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1997, the following amounts from the Education Trust Fund (ETF) and Local Funds:

	ETF	Local Funds	Total
GOVERNOR'S COMMISSION ON PHYSICAL FITNESS:			
(a) Advisory Services Program.....			151,230

SOURCE OF FUNDS:

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(1) ETF.....	150,658		
(2) Local Funds.....		572	
Total Governor's Commission on Physical Fitness.....	150,658	572	151,230

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to maintaining liaison with the State Department of Education, boards of education and private and parochial schools; advising on such programs of physical fitness; promoting physical fitness education for the mentally retarded and physically handicapped; and providing for physical educational facilities.

Section 3. The Governor's Commission on Physical Fitness is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1996-97.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 7.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Clouse, Dolbare, Hamilton, Page, Parker (P), Robinson and Rogers (M).

- 7

And the bill:

H. 321. To make an appropriation of \$150,658 from the Education Trust Fund and an appropriation of \$572 from Local Funds to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1997.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 16.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-77

Nay:

Representatives Baker, Clouse, Dolbare, Gaines, Gipson, Hamilton, Jackson, Page, Papucci, Parker (P), Robinson, Rogers (M), Sanderson, Seibenhener, Thomas (D) and Vance.

-16

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

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2405

H. 310. To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 310, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 317. To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 317, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 309. To make an appropriation of \$50,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 309, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 330, was adopted.

Yeas 88; Nays 4.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

Nay:

Representatives Baker, Clouse, Seibenhener and Sims.

- 4

And the bill:

H. 330. To make an appropriation of \$381,534 from the Education Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1997, for educational purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 6.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J),

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Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-82

Nay:

Representatives Clouse, Gaines, McKee, Rogers (M), Seibenhener and Thomas (D).

- 6

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 333, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 333. (With Substitute): To make an appropriation of \$343,804 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 333, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$363,804 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$363,804 to Camp ASCCA in Jackson Gap, Alabama, from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 93; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne,

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Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-93

Nay:

Representative Gaines.

-1

And the bill:

H. 333. To make an appropriation of \$363,804 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

CO-SPONSOR ADDED

Representative Payne was added as a co-sponsor to the bill, H. 333, as amended.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to take up uncontested local bills on the Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, H. 988, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Venable, Warren, Willis and Wren.

-64

And the bill:

H. 988. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Springville in St. Clair County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Gaines, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, Melton, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Venable, Warren, Willis and Wren.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Murphree, the Budget Isolation Resolution relating to the bill, H. 998, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, Melton, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-72

And the bill:

H. 998. Relating to Blount County, authorizing the county commission to collect taxes, licenses, and other fees and/or revenues currently being collected by the State Department of Revenue.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Murphree, the Budget Isolation Resolution relating to the bill, H. 999, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Drake, Dukes, Ford, Fuller, Gaines, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren, Willis and Wren.

-73

And the bill:

H. 999. Relating to Blount County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for operation, equipping, furnishing, and financing of a county jail.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Drake, Dukes, Ford, Fuller, Gaines, Gipson, Graham, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Vance, Venable, Warren, Willis and Wren.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Murphree, the Budget Isolation Resolution relating to the bill, H. 1000, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

And the bill:

H. 1000. Relating to Blount County; authorizing the sheriff to operate a jail commissary and contract telephones for inmates, pay telephones, and vending machines located in the Blount County Law Enforcement Center; providing for the deposit of monies earned; and providing for the distribution and auditing of the funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morton, the Budget Isolation Resolution relating to the bill, H. 779, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

And the bill:

H. 779. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McDaniel, Melton, Moore, Morton, Murphree, Newton (C), Newton (D), Page,

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Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (E), the Budget Isolation Resolution relating to the bill, H. 949, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-79

And the bill:

H. 949. Relating to the City of Birmingham in Jefferson County; to authorize the Board of Managers of the City of Birmingham Retirement and Relief System to grant Ben Byrd a pension based upon extraordinary disability; and to award the pension if, in the judgment of the Board of Managers, the pension is required.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R),

Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable and Willis.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 913, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-81

And the bill:

H. 913. Relating to the Bessemer Division of the Tenth Judicial Circuit in Jefferson County, amending Act No. 90-202, H. 449, 1990 Regular Session so as to allow the Elected Assistant District Attorney to designate the level and step, at the time of appointment, of any appointed Deputy District Attorneys authorized by this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

-77

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (W), the Budget Isolation Resolution relating to the bill, H. 947, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable and Willis.

-75

And the bill:

H. 947. (With Amendment): Relating to Mobile County; to amend and reenact Act No. 161 of the 1957 Regular Session (Acts 1957, p. 210), which created the Water Works and Sewer Board of the City of Prichard; to change the name and provide for the employees' pension plan; to provide retirement credit for temporary total disability and provide for retirement of employees; to provide appropriations for funeral expenses upon the death of any employer of the board; to provide for gifts, donations, and legalities to the fund; to provide for the appointment of trustees; and to provide penalties for violations.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3 to the bill, H. 947, said committee amendment being as follows:

Amend House Bill 947 on page 1, line 19 by deleting the word ~~employer~~ and insert in lieu thereof the word employee

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Willis and Wren.

-76

And the bill:

H. 947. Relating to Mobile County; to amend and reenact Act No. 161 of the 1957 Regular Session (Acts 1957, p. 210), which created the Water Works and Sewer Board of the City of Prichard; to change the name and provide for the employees' pension plan; to provide retirement credit for temporary total disability and provide for retirement of employees; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, and legalities to the fund; to provide for the appointment of trustees; and to provide penalties for violations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett,

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Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morton, Murphree, Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Willis and Wren.

-78

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Papucci, the Budget Isolation Resolution relating to the bill, H. 1002, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McDaniel, Melton, Millican, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Willis and Wren.

-74

And the bill:

H. 1002. Relating to Madison County, amending Act No. 80-277, 1980 Regular Session, as amended, and providing further for the organization and operation of the Madison County Legislative Delegation Office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R),

Jorgensen, Kennedy, Lindsey, Maull, McAdory, McDaniel, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, H. 984, was adopted.

Yeas 73; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-73

Nay:

Representative Papucci.

- 1

And the bill:

H. 984. To further provide for the compensation of the Huntsville City Board of Education upon approval by a majority of the members of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

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Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McDaniel, Melton, Moore, Morton, Murphree, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Willis and Wren.

-69

Nay:

Representative Papucci.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 943, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-77

And the bill:

H. 943. Relating to the City of Decatur in Morgan County and Limestone County; to amend Act No. 95-557, S. 595 1995 Regular Session (Acts 1995, p. 1164), altering and extending the corporate limits of the city, to further provide for the description.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-77

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, S. 345, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Carns, Clark (W), Clouse, Collins, Curry, Dean, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-74

And the bill:

S. 345. Relating to DeKalb County; providing for an advisory referendum on the question of whether the county superintendent of education shall be elected by the electors residing outside the city limits of the City of Fort Payne.

was read a third time at length and passed.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-77

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, S. 343, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-75

And the bill:

S. 343. Relating to DeKalb County; providing for an advisory referendum on the question of whether the chair of the county commission shall be combined with the Office of the Judge of Probate.

was read a third time at length and passed.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 971, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-76

And the bill:

H. 971. (With Substitute): Relating to Clarke County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1 to the bill, H. 971, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Clarke County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Beginning with the term of office which commences in November 1996, the chair and each member of the county commission shall serve on a part-time basis and receive a salary as provided by Section 11-3-4.1 of the Code of Alabama 1975, for serving on a part-time basis.

Section 2. The Clarke County Commission shall establish a centrally located shop and centralized road system for the operation of the county roads and bridges. The county commission may vote to establish more than one shop location when the county engineer recommends any additional location is needed to facilitate the economical use of equipment and funds. The county engineer shall at each October meeting of the county commission make recommendations for a yearly work plan and present an annual budget. Approval of the plan shall require a minimum of four favorable votes. The commission at its regular meetings shall discuss needs as they arise and vote on all issues that might affect the county.

Section 3. The county commission may employ clerical help and assistance deemed necessary for the proper, efficient, and economical operation of the county commission. The chair of the commission shall enter the minutes of all proceedings of the county commission in a well-bound book provided for that purpose. The book shall be kept in the office of the county commission and shall be open to the inspection of the public at all reasonable hours. The chair shall keep a complete record of all receipts and disbursements of all county funds which shall be published once a year in a newspaper published in the county and shall be prepared upon request to show the financial condition of the county.

Section 4. The county commission shall employ a county engineer, who shall be a qualified and competent civil engineer, possessing all of the qualities as specified for county engineers pursuant to law. The county engineer shall devote his or her time and attention to the maintenance and construction of the Clarke County public roads, highways, bridges, and county shops. The county engineer

shall serve at the pleasure of the county commission. The county engineer of Clarke County shall perform all of the following duties:

(1) Employ, supervise, and direct all assistants necessary to properly maintain and construct the public roads, highways, bridges, and county shops of Clarke County, and shall prescribe their duties and discharge employees for cause or when not needed.

(2) Perform engineering and surveying services as required, and prepare and maintain all necessary maps and records.

(3) Maintain the necessary accounting funds and records to reflect the cost of the county highway system.

(4) Build or construct new roads or change old roads.

(5) Maintain and construct all county roads on the basis of the county as a whole, without regard to any district or beat lines. The county engineer is designated as the person authorized to make written requisition to the chair of the commission or his or her duly designated purchasing agent for all articles, materials, supplies, and equipment necessary for the maintenance and construction of the roads, bridges, and county shop in Clarke County. The county commission shall fix, from time to time, in accordance with prevailing economic conditions, the number of employees and the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of the roads, bridges, and county shop operation, and the wage or salary scale shall not be exceeded by the county engineer in the employment of labor and assistants. The county commission shall fix the amount of the salary of the county engineer, payable in equal monthly installments from the gasoline tax fund of Clarke County. Before entering upon his or her duties, the county engineer shall make and enter into a surety bond in an amount set, from time to time, by the county commission, conditioned for the faithful discharge and performance of his or her duties as county engineer, and for the faithful accounting of all monies or property of the county, which may come into his or her possession or custody. The bond shall be executed by a surety company authorized and qualified to do business in Alabama, approved by the chair of the county commission, and the premiums thereon shall be paid by Clarke County. The county commission shall furnish the county engineer with an office and all necessary office supplies, and shall furnish him or her with necessary transportation in connection with his or her duties pursuant to this act. The county engineer shall be the custodian of all road tools, machinery, supplies, and equipment. The county commission shall furnish the necessary storage facilities in which to keep the tools, machinery, supplies, and equipment and the county engineer shall keep on file in his or her office, at all times, an up-to-date inventory, containing a list of all the tools, machinery, equipment, and supplies belonging to the county. The authority of the county engineer shall be limited to the expenditure of funds for the purposes of construction, maintenance, or repairs of public roads and bridges of the county as appropriated by the county commission. The county commission shall fix and

determine the amount of funds which will be available for the purpose of building, maintaining, and constructing public roads, bridges, and ferries of Clarke County for the ensuing fiscal year, beginning on October 1. That amount, other than the salary of the county engineer, and his or her necessary expenses, shall not be exceeded, except that the county commission may, from time to time, within any period, increase the amount allowed to be expended by the county engineer during the period, provided that the authorization does not conflict with other provisions of law.

Section 5. Each member of the county commission shall inspect the roads and bridges of his or her district, from time to time, hear the suggestions and complaints of the citizens, and report the suggestion or complaint to the county commission with his or her recommendations. The members of the county commission shall also assist in securing right-of-way and assist in public relations generally. The members of the commission may use a county vehicle for the performance of their duties only on an as-needed basis or may receive mileage at the same rate paid state employees not to exceed two hundred dollars (\$200) per month.

Section 6. All laws or parts of laws which conflict with this act, including, but not limited to, Act No. 91-213, H. 589, 1991 Regular Session (Acts 1991, p. 411), and Act No. 83-693, H. 707, 1983 Regular Session (Acts 1983, p. 1134); Act No. 417, H. 794, 1978 Regular Session (Acts 1978, p. 427); and Act No. 450, H. 1012, 1975 Regular Session (Acts 1975, p. 1072), are repealed.

Section 7. Sections 1 to 6, inclusive, of this act shall become operative only if approved by a majority of the qualified electors of Clarke County who vote in an election to be held on the day designated by the Judge of Probate of Clarke County. The notice of the election shall be given by the judge of probate, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The election shall be held in conjunction with the next regularly scheduled state or local election to be held in the county. The question shall be, "Do you favor the adoption of Act No. __, of the 1996 Regular Session of the Alabama Legislature which provides that the county commission serve on a part-time basis and for countywide planning of road maintenance? Yes () No ()." The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are "Yes," Sections 1 to 6, inclusive, of this act shall become operative immediately. If the majority of the votes are "No," this act shall be repealed and shall have no further effect. The Judge of Probate of Clarke County shall certify the results of the election to the Secretary of State.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren and Willis.

-72

And the bill:

H. 971. Relating to Clarke County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-81

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Rogers (J) to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 259, was lost, lacking a four-fifths vote.

Yeas 8; Nays 5.

Yea:

Representatives Curry, Gaines, Hilliard, Houston, McAdory, Perdue, Rogers (J) and Spratt.

- 8

Nay:

Representatives Carns, Hawkins, Johnson (E), Morton and Payne.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to receive the call of Districts for the Introduction of Bills and Resolutions.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Smith:

H. 1021. To amend Section 34-24-165 of the Code of Alabama 1975, relating to licensure of chiropractors; to allow the State Board of Chiropractic Examiners to increase the renewal fee for the license to practice chiropractic.

COMMITTEE ON HEALTH

By Representatives Black (L), Hayden, and Jackson (With Notice and Proof):

H. 1022. Relating to Marengo County; to amend further Act No. 183, S. 234, 1935 Regular Session (Local Acts 1935, p. 106), to provide that the members of the Marengo County Board of Education serve terms of six years with such terms phased in and staggered; to provide for the election of a president and vice-president of the board and to prescribe the powers and duties of the president; to provide for an expense allowance for members of the board; and to repeal Act No. 80-345, H. 955, 1980 Regular Session (Acts 1980, p. 467).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1022, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey:

H. 1023. To allow an active and contributing member of the Teachers' Retirement System to purchase a certain amount of prior service credit in the system for time served as a school aide.

COMMITTEE ON WAYS AND MEANS

By Representative Papucci:

H. 1024. To amend Section 32-6-133, Code of Alabama 1975, to further provide for the design of distinctive motor vehicle tags for disabled veterans.

COMMITTEE ON WAYS AND MEANS

By Representative Reed (With Notice and Proof):

H. 1025. Relating to Bullock County; abolishing the office of constable.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1025, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

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By Representative Reed (With Notice and Proof):

H. 1026. Relating to Bullock County; providing an expense allowance for the members of the Bullock County Board of Education; and repealing Act No. 2083, H. 1265 of the 1971 Regular Session (Acts 1971, p. 3354).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1026, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Crigler (With Notice and Proof):

H. 1027. To allow local governmental entities to regulate the liquor traffic in conjunction with certain entertainment in Mobile County and to prescribe penalties for violations.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1027, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Crigler (With Notice and Proof):

H. 1028. Relating to Mobile County; prohibiting any race track operation, for any purpose, from being constructed or operated in an area that has three or more residences within 1,000 yards of the location for the race track; to provide that any violation of this act is a public nuisance; and to provide for injunctive relief.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1028, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (M):

H. 1029. To amend Section 38-10-8, Code of Alabama 1975, to further provide for support collections by the Department of Human Resources; and to

provide for the distribution of support arrearage collections among all support orders relating to the obligor.

COMMITTEE ON JUDICIARY

By Representatives Hayden and Allen:

H. 1030. Relating to Hale County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Hale County Commission to levy a two mill ad valorem tax for fire protection.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Seibenhener and Baker:

H. 1031. Relating to Houston County, proposing an amendment of the Constitution of Alabama of 1901, to provide that qualified electors in Houston County may vote on candidates for county offices without regard to the political affiliation of the elector.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Seibenhener (With Notice and Proof):

H. 1032. To alter or rearrange the boundary lines of the Town of Malvern, Geneva County, Alabama so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1032, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey (With Notice and Proof):

H. 1033. Relating to Cleburne County; to authorize the county commission to sell driveway pipe to churches, schools, individuals, and nonprofit associations or corporations under certain conditions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1033, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Allen (With Notice and Proof):

H. 1034. Relating to Tuscaloosa County; to amend Act No. 56, 1953 Regular Session, as amended by Act No. 94-554, 1994 Regular Session, (Acts, p. 1010), to further authorize the levy of sales and use taxes with respect to selling, storing, using, or otherwise consuming retail machines used in the mining, quarrying, compounding, processing, and manufacturing of tangible personal property.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1034, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan, Penry, and White (With Notice and Proof):

H. 1035. To alter or rearrange the boundary lines of the City of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Gulf Shores, Baldwin County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1035, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan and Penry:

H. 1036. To propose an amendment to the Constitution of Alabama of 1901, to provide funds for fire prevention and suppression throughout the state by authorizing the levy, collection, and distribution of a one mill ad valorem tax to volunteer fire departments, paid fire departments, paid fire districts, the Alabama Forestry Commission, and Alabama State Fire College to be used for fire prevention, fire suppression, and fire education programs.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

The above bill was read a first time at length as required by the Constitution.

By Representatives Burke, McDaniel, and Lindsey:

H. 1037. Proposing an amendment to the Constitution of Alabama of 1901, prohibiting the municipalities and the County Commission of DeKalb County from levying additional or increasing of the levy of local sales, occupational, use, gasoline, and cigarette taxes after December 31, 1996, without approval by referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Boyd, Hall (L), Kennedy and Graham:

H.R. 459. COMMENDING SHEILA JACKSON LEE AS RECIPIENT OF THE CORRINE BOGGS AWARD.

Also:

By Representatives Flowers and Turnham:

H.R. 460. COMMENDING CAREER AND PROFESSIONAL ACHIEVEMENTS OF DR. JOHN W. VAUGHAN.

Also:

By Representatives Hall (L), Boyd, Graham and Kennedy:

H.R. 461. COMMENDING SANDRA B. MORTHAM AS RECIPIENT OF THE CORRINE (LINDY) BOGGS AWARD.

Also:

By Representatives Boyd, Graham, Kennedy and Hall (L):

H.R. 462. COMMENDING CORRINE BOGGS ON HER OUTSTANDING PROFESSIONAL ACCOMPLISHMENTS.

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Also:

By Representative Box:

H.R. 463. COMMENDING MICHELLE DENISE TURNER OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Dolbare:

H.R. 464. COMMENDING MR. SIDNEY B. HILL FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 465. COMMENDING MRS. TEMPRESS FIELDS FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 466. COMMENDING MRS. CLARICE ETHEREDGE FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 467. COMMENDING MR. JERRY ROGERS FULLER FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 468. COMMENDING MRS. ANDREA HITON FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

The following resolutions were introduced:

By Representatives Boyd, Graham, Kennedy and Hall (L):

H.J.R. 469. COMMENDING CORRINE BOGGS ON HER OUTSTANDING PROFESSIONAL ACCOMPLISHMENTS.

WHEREAS, Corrine (Lindy) Boggs has unselfishly served her fellow Americans for many years, and it is appropriate at this time to highlight and extend special honor for her many accomplishments; and

WHEREAS, Ms. Boggs is the on-going chair of the Southern Women in Public Service: Coming Together to Make a Difference Conference, and currently serves as vice chair of the Board of Trustees of the Stennis Center for Public Service; and

WHEREAS, the first woman elected to the U.S. House of Representatives from Louisiana, Ms. Boggs became the first woman to chair a national political convention, presiding over the nomination of President Jimmy Carter in 1976; and

WHEREAS, Ms. Boggs, wife of the late Congressman Hale Boggs, ran her husband's congressional campaigns, chaired numerous organizations such as John F. Kennedy's and Lyndon Johnson's inaugural ball committees, and succeeded her husband in Congress from 1973 to 1990; and

WHEREAS, her rewards were reaped through hard work and dedication including the distinction of being the first woman to serve as a regent of the Smithsonian Institute, receive Tulane University's Distinguished and Outstanding Alumni Award, and to receive the Congressional Award of the Veterans of Foreign Wars; and

WHEREAS, other notable honors bestowed on Ms. Boggs are the first AMVETS Auxiliary National Humanitarian Award, the Eleanor Roosevelt Centennial Award, and the Distinguished Service Award to the Republic, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of her outstanding career as a leader who personifies excellence on a national level, we hereby most highly commend Corrine (Lindy) Boggs on this momentous occasion, and do further direct that she receive a copy of this resolution with our sincere best wishes.

On motion of Representative Boyd, the rules were suspended and the resolution, H.J.R. 469, was adopted.

Also:

By Representatives Boyd, Graham, Kennedy and Hall (L):

H.J.R. 470. COMMENDING ANN RICHARDS AS THE FIRST RECIPIENT OF THE CORRINE BOGGS AWARD.

WHEREAS, highest commendation is hereby accorded Ann Richards, former Governor of Texas, as the first recipient of the distinguished Corrine (Lindy) Boggs Award; and

WHEREAS, the award, established in 1995 at the fifth annual Southern Women in Public Service: Coming Together to Make a Difference Conference, is a tribute to the public service leadership and achievements of Lindy Boggs, whose career includes 17 years as a member of Congress from Louisiana, and recognizes a woman from the South who best characterizes the career and accomplishments of Ms. Boggs; and

WHEREAS, Ann Richards is not only extremely talented, but is an exemplar of volunteerism and civic participation in local and statewide campaigns, and in fighting for civil rights and economic justice; and

WHEREAS, in 1982, Ms. Richards was elected State Treasurer of Texas, the first woman elected to statewide office in more than 50 years, and, in 1990, was elected Governor of Texas; under her guidance, Texas led the nation in economic recovery, state government was streamlined, and she presided over the lowest budget increase in more than 30 years; and

WHEREAS, while serving as Governor, Ms. Richards created the "Capital For A Day" program, which took state government into local communities; she appointed more African Americans, Hispanics, and women to state posts than the two previous governors combined; and

WHEREAS, a hard-working woman of vision, Ms. Richards introduced site-based management to Texas schools, allowing parents, teachers, students, and principals to determine the best overall program to make their schools succeed; and

WHEREAS, the loving mother of four children, Ann Richards is a woman of vision and a driving force in public service leadership roles for women; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Ann Richards is indeed congratulated upon her selection as the first recipient of the Corrine (Lindy) Boggs Award, and honored on her illustrious career accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Ms. Richards as a memento of this special honor.

On motion of Representative Boyd, the rules were suspended and the resolution, H.J.R. 470, was adopted.

Also:

By Representatives Hall (L), Boyd, Graham and Kennedy:

H.J.R. 471. COMMENDING SANDRA B. MORTHAM AS RECIPIENT OF THE CORRINE (LINDY) BOGGS AWARD.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Sandra B. Mortham as recipient of the Corrine (Lindy) Boggs Award; and

WHEREAS, the award, established in 1995, at the fifth annual Southern Women in Public Service: Coming Together to Make a Difference Conference, is a tribute to the public service leadership and achievements of Lindy Boggs, whose career includes 17 years as a member of Congress from Louisiana, and recognizes a woman from the South who best characterizes her career and accomplishments; and

WHEREAS, Sandra Mortham is indeed a true exemplar of this exceptional individual and a deserving recipient of this eminent recognition; and

WHEREAS, Ms. Mortham currently serves as Secretary of State for the State of Florida, as well as chief officer for the arts, libraries, historic preservation, elections and protocol; and

WHEREAS, her rise to statewide office caps a longtime career of public service and activism; she was elected to the Florida House of Representatives in 1986, chosen Republican leader of the House in 1992, and was the first woman in Florida history to be nominated for Speaker of the House; she also was the first Republican woman, and only the second woman, to be elected to the Florida Cabinet; and

WHEREAS, over her distinguished tenure, she served as Republican Leader Pro Tempore (1990-1992); as Treasurer of the National Republican Legislator's Association; as Chairman of the Pinellas County Legislative Delegation (1990-1991); and as Chairman of one of the four standing committees at the 1992 Republican National Convention; and

WHEREAS, in an extension of service, she has served as a Largo City Commissioner and Vice Mayor, as President of the Greater Largo Chamber of Commerce, and in leadership to numerous other civic and professional organizations; and

WHEREAS, Ms. Mortham, whom the Atlanta Journal/Constitution described as "a political star of the future," and as a part of "a wave of women rising to power in the South," attended St. Petersburg Junior College, and received her undergraduate degree from Eckerd College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and achievement, and as recipient of the Corrine (Lindy) Boggs Award, we hereby most highly commend Sandra B. Mortham, for whom a copy of this resolution shall be provided as an expression of our highest regard and esteem.

On motion of Representative Boyd, the rules were suspended and the resolution, H.J.R. 471, was adopted.

Also:

By Representatives Boyd, Hall (L), Kennedy and Graham:

H.J.R. 472. COMMENDING SHEILA JACKSON LEE AS RECIPIENT OF THE CORRINE BOGGS AWARD.

WHEREAS, highest commendation is hereby accorded Congressional U.S. Representative Sheila Jackson Lee of Houston, Texas, as recipient of the distinguished Corrine (Lindy) Boggs Award; and

WHEREAS, the award, established in 1995 at the fifth annual Southern Women in Public Service: Coming Together to Make a Difference Conference, is a tribute to the public service leadership and achievements of Lindy Boggs, whose career includes 17 years as a member of Congress from Louisiana, and recognizes a woman from the South who best characterizes the career and accomplishments of Ms. Boggs; and

WHEREAS, Ms. Lee received her undergraduate degree with honors in Political Science from Yale University, and her Juris Doctorate from the University of Virginia School of Law; and

WHEREAS, elected to the United States House of Representatives in 1994 to represent the 18th Congressional District of Texas, Ms. Jackson also is recognized for serving two terms as one of the first African American female at-large members of the Houston City Council; and

WHEREAS, an Associate Municipal Court Judge for the City of Houston, Ms. Lee was an active member of the State Bar of Texas, and is one of only three African American women to have served as Director of the State Bar of Texas; and

WHEREAS, Ms. Lee has earned the respect and admiration of her colleagues as Director of the Texas Young Lawyers' Association and as chair of its Minority Affairs Committee; she also served as chair of the Justice Court Subcommittee of the Texas Bar from 1987-88; and

WHEREAS, an exemplar of extraordinary leadership ability and achievement, Sheila Jackson Lee is a woman of vision and driving force in public service leadership roles for women; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Sheila Jackson Lee is indeed congratulated upon her selection as recipient of the Corrine (Lindy) Boggs Award, and commended on her illustrious career accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Ms. Lee as a memento of this special honor.

On motion of Representative Boyd, the rules were suspended and the resolution, H.J.R. 472, was adopted.

Also:

By Representative Bandy:

H.J.R. 473. DESIGNATING THE BRIDGE OVER HURTSBORO CREEK, IN RUSSELL COUNTY, ON UPSHAW ROAD, "THE LYNNE T. OWENS BRIDGE".

WHEREAS, Lynne T. Owens has resided in Hurtsboro, Alabama, in Russell County for the past eighty-five years; and

WHEREAS, she has been an upstanding member of her community and is held in high esteem by all those who know and love her; and

WHEREAS, her friendliness and warm personality have endeared her to all those with whom she has ever associated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge on Upshaw Road over Hurtsboro Creek, Russell County, Alabama, shall be named "The Lynne T. Owens Bridge."

BE IT FURTHER RESOLVED, That the appropriate officials are authorized to erect and maintain appropriate signs or markers, so designating the bridge as the "Lynne T. Owens Bridge" in honor of this outstanding individual.

On motion of Representative Bandy, the rules were suspended and the resolution, H.J.R. 473, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

H.J.R. 444. CREATING A PERMANENT JOINT COMMITTEE TO STUDY ALABAMA'S STATE PARK SYSTEM, TO BE CALLED THE "ALABAMA STATE PARK SYSTEM PERMANENT STUDY COMMITTEE."

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, said committee substitute being as follows:

CREATING A JOINT INTERIM COMMITTEE TO STUDY ALABAMA'S STATE PARK SYSTEM, TO BE CALLED THE "ALABAMA STATE PARK SYSTEM STUDY COMMITTEE."

WHEREAS, the Legislature has granted broad powers to the Department of Conservation and Natural Resources to establish, develop, maintain, supervise, operate, preserve, improve, manage, and protect all state parks and parkways in the Alabama State Park System; and

WHEREAS, in 1967, Alabamians voted by a two to one margin to approve an amendment to the Alabama Constitution authorizing a \$43 million bond issue, the proceeds from which, together with \$30 million in outdoor recreation federal grants, were used to acquire, construct, develop, equip, and improve state parks and park facilities throughout the State of Alabama; and

WHEREAS, more than 6.2 million men, women, and children visited at least one of the 24 parks in the Alabama State Park System in fiscal year 1994-95, spending more than \$25 million in user fees while enjoying hiking, boating, camping, swimming, picnicking, golf and other wholesome, outdoor family recreational activities from the Tennessee River to the Gulf of Mexico; and

WHEREAS, in spite of the best efforts of the hard-working employees of the State Parks Division and other Conservation Department personnel over the past 30 years, monies generated by millions of park visitors as well as appropriations approved by the Legislature have not been sufficient enough to perform all necessary major maintenance, repairs, and renovations; build and maintain sufficient day-use facilities such as nature trails, bike paths, nature centers and similar park facilities to meet demand; or replace worn-out equipment, vehicles and furnishings on a scheduled basis; and

WHEREAS, the State Parks Division has recently estimated that it could cost as much as \$50 million to correct all of the necessary deferred maintenance, repairs, and equipment, or furnishing replacements, and has prepared a prioritized list of these necessary repairs and maintenance needs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, effective May 1, 1996, the Alabama State Park System Interim Study Committee is created to study and evaluate the following issues facing the park system:

(1) The Alabama State Park System's mission of: (a) Acquiring, preserving and managing significant natural areas throughout the state; (b) Developing, operating and maintaining appropriate recreational facilities consistent with the natural environment within these areas; (c) Extending the public's knowledge of the state's natural environment; and (d) Promoting the State of Alabama through tourism.

(2) The restoration of existing state park facilities, including the prioritization of renovations.

(3) The operation and maintenance of the state park system.

(4) State park funding.

(5) The state park system's long range plans to ensure that the mission of the Alabama State Park System, and all other relevant aspects thereof, are accomplished.

BE IT FURTHER RESOLVED, That the joint committee shall be composed of a total of 6 members, as follows: Three members appointed by the presiding officer of the Senate with one each from North, Central and South Alabama, having a state park in their respective districts and three members appointed by the presiding officer of the House of Representatives with one each from North, Central and South Alabama, having a state park in their respective districts.

The committee shall convene its initial meeting within 30 days following the effective date of this resolution, electing from among its members a chair and vice chair.

Upon request of the chair, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as the committee's work may require.

Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

The sum of \$10,000 annually shall be made available to the committee for its use from any funds appropriated to the use of the Legislature on approval of the chair and in accordance with law.

The committee shall make its report, findings and recommendations to the Legislature, Governor and any state agencies no later than the fifth legislative day of the 1998 Regular Session of the Legislature, at which time the committee shall stand dissolved.

SUBSTITUTE ADOPTED

On motion of Representative McDaniel, the committee substitute was adopted.

RESOLUTION ADOPTED

On motion of Representative McDaniel, the resolution:

H.J.R. 444. CREATING A JOINT INTERIM COMMITTEE TO STUDY ALABAMA'S STATE PARK SYSTEM, TO BE CALLED THE "ALABAMA STATE PARK SYSTEM STUDY COMMITTEE."

as amended, was adopted and ordered engrossed.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

S.J.R. 79. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF PROGRAMS TO ASSIST CITIZENS WHO SUFFER FROM DEMENTIA.

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, said committee substitute being as follows:

CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF PROGRAMS TO ASSIST CITIZENS WHO SUFFER FROM DEMENTIA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Committee to Study Programs to Assist Citizens Who Suffer From Dementia is created. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. At its first meeting, the committee shall select from among its members a chair and a vice chair.

The committee shall study the necessity, feasibility, and cost of developing programs to assist citizens who suffer from dementia and related disorders. The committee shall also study the mission and the components of the programs.

The Alabama Commission on Aging shall provide technical assistance and advise the committee. Upon request of the committee, other state agencies shall provide technical assistance to the committee.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide necessary clerical assistance for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 5th legislative day of the 1997 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further

duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$10,000.

S.J.R. 79 TEMPORARILY CARRIED OVER

On motion of Representative Parker (T), the resolution, S.J.R. 79, and the pending substitute reported by the Standing Committee on Rules were temporarily carried over.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 93. MOURNING THE DEATH OF GERALD DUNN CRUMPTON OF MONTGOMERY, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 93.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 109. MOURNING THE DEATH OF A. W. TODD.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 109.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 73. COMMENDING BARBARA H. PITTS ON HER OUTSTANDING COMMUNITY ACHIEVEMENTS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 73.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 456. MOURNING THE DEATH OF LUCRETIA WINSTON ELMORE.

WHEREAS, noted with profound sorrow and regret is the death of Lucretia Winston Elmore on April 8, 1996, the third child of Ruble Robert Winston and the late Lillie Johnson Winston of Mobile, Alabama; and

WHEREAS, baptized at an early age, Mrs. Elmore completed her secondary education in the Mobile County School System, received both her Bachelor of Science Degree in Home Economics and Master of Science Degree in Library Media at Alabama A&M University, Normal, Alabama; she later pursued post-graduate studies in Adult Education and Biblical Studies and Theology at Huntsville Baptist Institute and Heritage Bible College; and

WHEREAS, Mrs. Elmore put her faith in action by witnessing to others, and was active in church activities at First Missionary Baptist Church serving as a Sunday School teacher and as a member of the Missionary Society Circle 1; she also derived significant gratification from her years of service with the prison outreach ministry; and

WHEREAS, she served in the Huntsville City Schools with dedication as an instructor of early childhood education with the EIP Program, and as librarian for Hazelwood High School and Johnson High School, bestowing intangible gifts to her students that last a lifetime--a love for reading and a thirst for knowledge from the library she loved; and

WHEREAS, Mrs. Elmore served in numerous professional affiliations including the Huntsville Library and Education Association, National Education Association, and Instructional Media Association, to mention a few; and

WHEREAS, preceding her in death are her beloved mother, Mrs. Lillie Johnson Winston and sister, Ms. Doretha Jayne Winston; and

WHEREAS, left to cherish her memory is her father, Ruble Winston; two daughters, Chantaye and Glennis (Gigi); two grandchildren, Avery Michael Knotts and Eliot Chadwick Knotts; and many other loving relatives and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we give thanks unto God for the life and service of Lucretia Winston Elmore, and, by copy of this resolution, extend our most heartfelt sympathy to her beloved family and friends.

On motion of Representative Carter, the resolution, H.J.R. 456, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 458. COMMENDING PRISCILLA BYNUM SEELEY FOR HER OUTSTANDING CAREER ACCOMPLISHMENTS.

WHEREAS, with utmost pride and pleasure, heartiest congratulations are herein extended to Priscilla Bynum Seeley, a distinguished educator and school administrator whose professional career has been one of deep dedication and commitment to the furtherance and support of public education; and

WHEREAS, a lifelong learner, 23 of Ms. Seeley's 30 years as an educator have been with Farley Elementary School, where she has spent countless hours toward the improvement of the Farley Elementary School Library, lovingly referred to as a "treasure chest"; and

WHEREAS, the Library Science Course 50I at the University of Alabama highlights Ms. Seeley's programs to motivate and excite future librarians; and

WHEREAS, Ms. Seeley's honors and awards are indicative of the high esteem in which she is held in the community; her professional nominations include the Jacksonville State Teacher's Hall of Fame, Reader's Digest American Heroes in Education, and Alabama State Teacher of the Year; and

WHEREAS, other notable accomplishments include the selection of the Farley Library by the Alabama Instructional Media Association for the Carrie C. Robinson Award for Outstanding School Library Media Program; Ms. Seeley received the Distinguished Service Award for School Library Media Specialist, both of which were presented at the AEA meeting in Mobile, Alabama, in March; and

WHEREAS, finding time for civic and humanitarian causes, Ms. Seeley has conducted educational workshops, and made presentations throughout Alabama, as well as five other states; and

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WHEREAS, administrators, colleagues, and parents recognize Priscilla Bynum Seeley's innovative educational programs, as well as her encouragement and enthusiasm for implementing them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ms. Seeley on her career achievements as a distinguished educator, and extend best wishes for continued good health and happiness in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Ms. Seeley, so that she may know of our esteem and appreciation.

On motion of Representative Carter, the resolution, H.J.R. 458, was adopted.

RESOLUTION

The following resolution was introduced:

By Representatives Hooper, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 474. MOURNING THE DEATH OF JOHN HAGOOD ELLIS OF FORT DEPOSIT, ALABAMA.

WHEREAS, the sudden death of John Hagood Ellis of Fort Deposit, Alabama, on April 12, 1996, at the age of 67, has brought immense sorrow and loss to people throughout the state of Alabama; and

WHEREAS, a distinguished Alabamian and devoted civic leader, Mr. Ellis was a graduate of Marion Military Institute, received his B.S. degree in Banking and Finance from the University of Alabama and was a member of the boxing team; and

WHEREAS, Mr. Ellis served his country with honor in the United States Army, and had served as Chief Executive Officer and board member at First Lowndes Bank from 1989 until April 1, 1996; he also served as Chairman and Chief Executive Officer at the Fort Deposit Bank, and had been actively involved with Priester Pecan Company and Circle E Farms; and

WHEREAS, the numerous civic and professional endeavors in which Mr. Ellis served include founding member of Fort Deposit's Alabama Army National Guard Unit as Company Commander from 1953-59; member of the Board of Directors of the Southeast Alabama Gas District since 1965 until the present; member of the Fort Deposit Town Council from 1974-88, and as Mayor Pro Tem; and

WHEREAS, Mr. Ellis was the recipient of numerous awards including Tree Farmer of the Year and Chamber of Commerce 1973 Man of the Year; and

WHEREAS, a devoted and faithful member of Bethel Baptist Church serving as a deacon and Sunday School teacher, Mr. Ellis also was founder of the Lowndes County Republican Party, and served as its chairman from 1962-84; and

WHEREAS, left to cherish his memory are his beloved wife, Rose; two sons, Eric H. and Hense R. Ellis, II; two daughters, Joana S. Ellis and Clara E. Johnson; four grandchildren, Martha Olene Ellis, Elijah Fielding Ellis, William Ellis Johnson, and Joana Casey Johnson; and other family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and service of John Hagood Ellis, and extend our very deepest sympathy to his family, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 474, was adopted.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Curry offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 337.

MOTION TO ADJOURN LOST

The motion offered by Representative Dolbare that the House adjourn until 9:00 o'clock a.m., Thursday, May 2, 1996, was lost.

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Yeas 21; Nays 64.

Yea:

Representatives Baker, Black (L), Clouse, Dolbare, Flowers, Hamilton, Hayden, Johnson (E), Laird, Layson, McKee, Minnifield, Newton (D), Parker (P), Seibenhener, Thomas (J), Turner, Turnham, Vance, Warren and White.

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Nay:

Mr. Speaker, Allen, Bandy, Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Holmes, Houston, Kennedy, Knight (A), McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Venable, Willis and Wren.

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Curry to the bill, H. 337, and the Budget Isolation Resolution was adopted.

Yeas 74; Nays 9.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

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Nay:

Representatives Clouse, Dolbare, Gaines, Gipson, McKee, Page, Papucci, Parker (P) and Rogers (M).

- 9

And the bill:

H. 337. (With Substitute): To make an appropriation of \$300,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 337, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$400,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$400,000 to the Birmingham Children's Theatre from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1997, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 10.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren, White and Willis.

-73

Nay:

Representatives Clouse, Dolbare, Gaines, Gipson, McKee, Murphree, Page, Papucci, Parker (P) and Rogers (M).

-10

And the bill:

H. 337. To make an appropriation of \$400,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 12.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Thomas (J), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

-75

Nay:

Representatives Clouse, Dolbare, Gaines, Gipson, McKee, Page, Papucci, Parker (P), Rogers (M), Seibenhener, Thomas (D) and Vance.

-12

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Perdue, the rules were suspended in order to take up out of order the bill, H. 612.

Yeas 55; Nays 12.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Boyd, Burke, Buskey, Clark (W), Curry, Dukes, Fuller, Gaines, Galliher, Graham, Hall (A), Hall (L), Haney, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Morrison, Morrow, Morton, Newton (D), Page, Papucci, Parker (P), Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Turner, Vance, Venable and Warren.

-55

Nay:

Representatives Box, Carns, Flowers, Guin, Knight (A), Laird, Layson, McKee, Murphree, Payne, Townsend and Turnham.

-12

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 947. Relating to Mobile County; to amend and reenact Act No. 161 of the 1957 Regular Session (Acts 1957, p. 210), which created the Water Works and Sewer Board of the City of Prichard; to change the name and provide for the employees' pension plan; to provide retirement credit for temporary total disability and provide for retirement of employees; to provide appropriations for funeral

expenses upon the death of any employee of the board; to provide for gifts, donations, and legalities to the fund; to provide for the appointment of trustees; and to provide penalties for violations.

TOMMY CARTER
Chairman

And the bill, H. 947, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 333. To make an appropriation of \$363,804 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 333, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 971. Relating to Clarke County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

TOMMY CARTER
Chairman

And the bill, H. 971, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 321. To make an appropriation of \$150,658 from the Education Trust Fund and an appropriation of \$572 from Local Funds to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1997.

TOMMY CARTER
Chairman

And the bill, H. 321, as engrossed, was ordered sent to the Senate.

H. 612 TAKEN UP

And the bill:

H. 612. To make an appropriation from the State General Fund for the relief of Freddie Lee Gaines of Jefferson County wrongfully convicted of murder and incarcerated for thirteen years.

WHEREAS, in 1972, Freddie Lee Gaines was arrested and held without bond for first degree murder; and

WHEREAS, on October 23, 1974, Mr. Gaines was convicted of first degree murder and sentenced to 30 years; and

WHEREAS, Mr. Gaines was released from prison on July 6, 1985; and

WHEREAS, on August 17, 1990, in Jacksonville, Florida, while in police custody, Larry Cohen confessed to both of the murders to which Mr. Gaines was charged; and

WHEREAS, on February 12, 1991, the District Attorney in Jefferson County moved and the trial court granted Petition for Relief from conviction; and

WHEREAS, the pain and suffering wrongfully endured by Mr. Gaines and his family are regrettable, and the state is morally obligated to make compensation, but Mr. Gaines has no recourse at law to recover same; now therefore,

was taken up.

AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, H. 612:

Amend H. 612 on page 2 lines 14 and 15 by striking "one million five hundred thousand dollars (\$1,500,000)" and inserting in lieu thereof "750,000".

Further amend on page 2 after line 26 by adding the following: "No portion of the above appropriation of \$750,000 shall be used for the payment of any attorney fees.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 337. To make an appropriation of \$400,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 337, as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to receive reports of the Standing Committees.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute and amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 311. (With Substitute) (With Amendment): To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of

Marion Military Institute for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

H. 340. (With Substitute) (With Amendment): To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

H. 308. (With Substitute) (With Amendment): To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 958. To amend Sections 15-23-2, 15-23-3, 15-23-15 and 15-23-16, Code of Alabama 1975 as amended to authorize the Legislature to appropriate funds from the Alabama Crime Victims Compensation Fund for programs that collectively benefit victims of crimes, sexual abuse, child abuse and/or domestic abuse; and to increase the maximum amounts that may be awarded to individual victims and dependents of victims of violent crimes.

S. 18. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

S. 194. To amend Sections 6-5-548 and 6-5-549, Code of Alabama 1975; to further provide for similarly situated health care providers; to prohibit discovery of the limits of liability insurance coverage in certain legal actions against health care providers; to provide which health care providers may testify as specialists; and to require that a jury shall be reasonably satisfied by substantial evidence that the standard of care was breached and that the breach caused the injury before returning a verdict against a health care provider.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 255. (With Amendment): Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 151. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to exempt all domestically mined or produced coal, coke, and coke by-products used in cogeneration plants in the state from the payment of all state sales and use taxes.

H. 498. To exempt all vessels and equipment thereon used by the owner thereof predominantly in the business of commercial charter fishing vessels from any state, county, and local ad valorem taxes; and to provide that to qualify for the exemption, fifty-one percent or more of the owner's earned income shall come from charter fishing revenue.

H. 932. To amend Sections 32-6-192 and 32-6-195 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; to provide that a distinctive license tag or plate may be issue to the wife or widow of a member of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America or to any person who holds a membership courtesy card validated by any shriner organization; and to provide for the return of the distinctive license tag or plate.

H. 636. To exempt the Marbury High Alumni Association from the payment of all state, county, and municipal sales and use taxes.

H. 1017. To exempt the Little Sisters of the Poor from the payment of all state, county, and municipal sales and use taxes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 415. (With Substitute): To make an appropriation of \$30,000 from the Education Trust Fund to the Jefferson County Board of Education for the support and maintenance of the Burkett Center for Multi-Handicapped for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 751. (With Substitute): To amend Sections 40-6-1 and 40-6-4, Code of Alabama 1975, to provide further for supernumerary status by certain county ad valorem tax officials.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 887. To provide that any probate judge retired under the Judicial Retirement Fund shall be entitled to receive all cost-of-living adjustments provided for retired state employees after the effective date of this act.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 187. (With Amendment): To amend Sections 6-5-548 and 6-5-549, Code of Alabama 1975; to further provide for similarly situated health care providers; to prohibit discovery of the limits of liability insurance coverage in certain legal actions against health care providers; to provide which health care providers may testify as specialists; to eliminate liability for certain errors in judgment; and to require that a jury shall be reasonably satisfied by substantial evidence that the standard of care was breached and that the breach caused the injury before returning a verdict against a health care provider.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 965. To provide conformity in Alabama law with recent court decisions regarding the administration of the Multistate Tax Compact by: amending Section 40-27-1, Code of Alabama 1975, to delete from the definition "taxpayer" under Article II, the reference to "person," and to delete from Article IV, wherein reference is made to the income from business activity not taxable both within and without "this state," certain statutory language regarding income resulting from "the rendering of purely personal services"; amending Section 40-18-161, Code of Alabama 1975, and to further clarify the method of taxing an Alabama S corporation and its resident and nonresident shareholders.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 538. (With Amendment): Providing distinctive motor vehicle license tags or plates for members of the Alabama State Defense Force; providing for the fees for these tags or plates and for the disposition of the fees; and providing for a delayed effective date.

H. 675. (With Amendment): Relating to Alabama Legislative Commission on Total Quality Government Act of 1994; to amend Sections 41-9-941, 41-9-943, and 41-9-944, Code of Alabama 1975; to further provide for the objectives and duties of the commission and per diem and travel expenses of the commission members.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 739. To make an appropriation of \$30,000 from the Education Trust Fund to the Coffee County Board of Education for the support and maintenance of Project Independence for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

H. 991. To reopen the Employees' Retirement System for a certain time to allow an active and contributing member to purchase a certain amount of service credit in the system for certain prior service rendered while employed by a local district attorney.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1008. (With Amendment): Creating the Alabama State Park System Permanent Study Committee; to provide for the duties, powers, composition, meetings, terms of office, and compensation of members of the commission.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 133. (With Substitute): To amend Sections 22-8-4, 22-8-5 and 22-8-6 of the Code of Alabama 1975, to allow certain minors to give effective consent for medical procedures; to allow a minor who is the custodial parent of a child to consent to medical services for the child; and to give the parent or legal guardian of a minor access to medical, dental, health, or mental health records of the minor with certain exceptions.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 131. To provide for mandatory professional liability insurance or approved self insurance for all abortion or reproductive health centers as defined by state law, their employees, and for physicians providing services there; to require the obtaining of professional liability insurance by abortion or reproductive health centers in order to obtain a license to operate, renewal of a license, or for continued operation; to require the Department of Public Health to define and implement the requirements of the act.

H. 160. To require hospitals to submit monthly reports to the State of Alabama Department of Public Health giving the number of patients admitted to such hospital for complications resulting from an attempted abortion or an abortion, the nature of the complication by its diagnostic name and the type of abortion; to require the reporting of the name of the facility where the attempted abortion or abortion was performed that resulted in the complication, if such facility is an abortion or reproductive health center as defined by regulations of the Department of Public Health; to require the Department of Public Health to prepare necessary forms and to implement the bill's enforcement.

H. 220. To amend Section 26-21-1, et sequel, Code of Alabama 1975, the Parental Consent to Abortion Act, by repealing Section 26-21-3(b), the requiring of a certified mail notice to the mother of a minor who was caused to be pregnant as a result of sexual intercourse with a father or legal guardian; to amend subsection (c) by repealing the minor's verification; to require a parent's or legal guardian's or adoptive parent's signature to a consent form to be signed in the presence of the abortion provider or agent and to be accompanied with specific identification and evidence, and to provide for certain alternative identification and evidence requirements; to amend subsection (d) to require certain documents proving a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person coercing a minor to have an abortion performed; to provide that the State of Alabama, Department of Public Health, develop appropriate forms for the consent and emancipation requirements of Section 26-21-3; to provide a civil cause of action for the violation of the provisions of the Act.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 278. (With Amendments): Prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 582. To amend Section 12-15-65 of the Code of Alabama 1975, as amended by Act No. 95-545, H. 525, 1995 Regular Session (Acts 1995, p. 1143), relating to the conduct of a hearing in juvenile court, to allow victims of a delinquent act to be present in any court exercising any jurisdiction over a delinquent act and to be seated at the counsel table of the prosecutor.

H. 781. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the infringement of the right of parents to direct the upbringing and education of their children.

The above bill was read a second time at length as required by the Constitution.

Representative Box, Chairperson of the Standing Committee on Navigation and Waterways, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1007. (With Amendment): To amend Sections 33-2-185, 33-2-188, and 33-2-189, Code of Alabama 1975, which relate to the sale and issuance by Alabama State Docks Department of its docks facilities revenue bonds and refunding bonds, to permit the public sale of such bonds upon publication of summary notices of the sale, provided the summary notice shall be published at least one time not less than 10 days prior to the date fixed for the sale and permit the department to pay out of the proceeds of such bonds the costs of any surety bond or bonds that the department may cause to be deposited in a reserve account to further secure the payment of the principal, and premium, if any, thereof and the interest thereon.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 982. Relating to Marengo County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Marengo County Commission to levy a two mill ad valorem tax for fire protection.

The above bill was read a second time at length as required by the Constitution.

H. 983. Relating to Cherokee County; to amend Section 1 of Act No. 87-433 of the 1987 Regular Session (Acts 1987, p. 643), to increase the fee for the issuance of pistol permits deposited in the Sheriff's Law Enforcement Fund.

H. 992. Relating to Etowah County; providing for costs to be imposed on each person incarcerated into the Etowah County jail; and providing for distribution of the revenues to be derived from the additional court costs.

H. 993. Relating to Etowah County; providing for additional compensation for the sheriff.

H. 1012. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coosa County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

H. 1013. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

S. 341. Relating to DeKalb County; providing for an advisory referendum on the question of whether the members of the county board of education shall be elected from districts.

S. 342. Relating to DeKalb County; providing for an advisory election on the question of whether the members of the county commission shall be elected from districts.

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 964. (With Amendments): Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of properly licensed retailers serving the general public in the city.

MOTION TO ADJOURN LOST

The motion offered by Representative Thomas (D) that the House adjourn until 9:00 o'clock a.m., Thursday, May 2, 1996, was lost.

REGULAR SESSION
25th Day

2463

Yeas 26; Nays 54.

Yea:

Representatives Carns, Clouse, Collins, Flowers, Hamilton, Haney, Hawkins, Jorgensen, Laird, Layson, McKee, McMillan, Moore, Morton, Newton (C), Parker (T), Petelos, Rogers (M), Sanderford, Sanderson, Sims, Starkey, Thomas (D), Turner, Turnham and White.

-26

Nay:

Representatives Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Clark (W), Crigler, Curry, Dukes, Gaines, Galliher, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Payne, Perdue, Reed, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Vance, Venable and Warren.

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H. 612 RESUMED

The question was then on the adoption of the amendment offered by Representative Gaines to the bill, H. 612.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed House Joint Resolution with the original House Joint Resolution and finds same correctly engrossed, to-wit:

H.J.R. 444. CREATING A JOINT INTERIM COMMITTEE TO STUDY ALABAMA'S STATE PARK SYSTEM, TO BE CALLED THE "ALABAMA STATE PARK SYSTEM STUDY COMMITTEE."

TOMMY CARTER
Chairman

And the resolution, H.J.R. 444, as engrossed, was ordered sent to the Senate.

H. 612 RESUMED**AMENDMENT TABLED**

The question was then on the adoption of the amendment offered by Representative Gaines to the bill, H. 612, and on motion of Representative Perdue, the amendment was tabled.

Yeas 47; Nays 39.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Clark (W), Curry, Dukes, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Page, Papucci, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Thomas (J) and Warren.

-47

Nay:

Representatives Carns, Clouse, Collins, Dean, Dolbare, Flowers, Gaston, Hamilton, Hammett, Haney, Hawkins, Hill, Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Murphree, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable and Wren.

-39

AMENDMENT OFFERED

Representative Burke offered the following amendment to the bill, H. 612:

Amend H. 612 on page 2 line 23 by striking "20" and inserting in lieu thereof "40".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Boyd, Hall (L), Kennedy and Graham:

H.R. 475. COMMENDING SHEILA JACKSON LEE AS RECIPIENT OF THE CORRINE BOGGS AWARD.

Also:

By Representatives Flowers and Turnham:

H.R. 476. COMMENDING CAREER AND PROFESSIONAL ACHIEVEMENTS OF DR. JOHN W. VAUGHAN.

Also:

By Representatives Hall (L), Boyd, Graham and Kennedy:

H.R. 477. COMMENDING SANDRA B. MORTHAM AS RECIPIENT OF THE CORRINE (LINDY) BOGGS AWARD.

Also:

By Representatives Boyd, Graham, Kennedy and Hall (L):

H.R. 478. COMMENDING CORRINE BOGGS ON HER OUTSTANDING PROFESSIONAL ACCOMPLISHMENTS.

Also:

By Representative Box:

H.R. 479. COMMENDING MICHELLE DENISE TURNER OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Dolbare:

H.R. 480. COMMENDING MR. SIDNEY B. HILL FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 481. COMMENDING MR. JERRY ROGERS FULLER FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 482. COMMENDING MRS. TEMPRESS FIELDS FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 483. COMMENDING MRS. ANDREA HITON FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 484. COMMENDING MRS. CLARICE ETHEREDGE FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 485. COMMENDING MRS. MILDRED D. CARTER FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 486. COMMENDING MR. PERRY TURNER FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Representatives Petelos, Curry, Houston, McAdory and Minnifield:

H.R. 487. COMMENDING EARL ROBINS ON HIS PROFESSIONAL ACHIEVEMENTS.

Also:

By Representative Robinson:

H.R. 488. COMMENDING JOY THORNHILL ON HER OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

By Representatives Morrison and Turnham:

H.R. 489. COMMENDING CORENE NICHOLS PHILLIPS OF CENTER, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Representative Hammett:

H.R. 490. MOURNING THE DEATH OF FELICIA LYNN LANGFORD OF ROSE HILL, ALABAMA.

Also:

By Representative Melton:

H.R. 491. COMMENDING THE REVEREND J. H. SPENCER, SR., ON HIS 50TH ANNIVERSARY WITH MORNING STAR BAPTIST CHURCH.

Also:

By Representative Dolbare:

H.R. 492. COMMENDING MRS. DELLIE SULLIVAN FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

The following resolutions were introduced:

By Representative Dolbare:

H.J.R. 493. DESIGNATING 1997 AS THE YEAR OF THE AMERICAN INDIAN IN ALABAMA AND PROVIDING FOR THE USE OF THIS DESIGNATION.

The resolution, H.J.R. 493, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Morrison and Turnham:

H.J.R. 494. COMMENDING CORENE NICHOLS PHILLIPS OF CENTER, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

The resolution, H.J.R. 494, was read and referred to the Standing Committee on Rules.

H. 612 RESUMED

The question was then on the passage of the bill, H. 612, as amended.

MOTION TO ADJOURN LOST

The motion offered by Representative Sims that the House adjourn until 9:00 o'clock a.m., Thursday, May 2, 1996, was lost.

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Yeas 21; Nays 58.

Yea:

Representatives Carns, Clouse, Collins, Dean, Dolbare, Flowers, Gaston, Hamilton, Haney, Hawkins, Jorgensen, Laird, Layson, McKee, Newton (C), Parker (T), Sanderford, Sims, Thomas (D), Townsend and Turner.

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Nay:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Clark (W), Crigler, Curry, Dukes, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Murphree, Newton (D), Papucci, Parker (P), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Thomas (J), Vance, Venable, Warren and Wren.

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H. 612 RESUMED

AMENDMENT OFFERED

Representative Petelos offered the following amendment to the bill, H. 612, as amended:

Amend H. 612 on page 2 lines 14 and 15 by striking "one million five hundred thousand dollars (\$1,500,000)" and inserting in lieu thereof \$1,000,000.

MOTION TO TABLE LOST

The motion offered by Representative Perdue to table the amendment offered by Representative Petelos to the bill, H. 612, as amended, was lost.

Yeas 41; Nays 41.

Yea:

Representatives Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Clark (W), Fuller, Graham, Hall (L), Hawk, Hayden, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Page, Papucci, Parker (P), Perdue, Reed, Robinson, Rogers (J), Spratt, Thomas (J), Vance and Warren.

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Nay:

Representatives Carns, Clouse, Collins, Crigler, Dolbare, Dukes, Flowers, Gaines, Galliher, Gipson, Guin, Haney, Hawkins, Hill, Jorgensen, Knight (A), Laird, Layson, McDaniel, McKee, Millican, Moore, Morrison, Morton, Murphree, Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Venable and Wren.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 495. COMMENDING THE SATSUMA HIGH SCHOOL BAND OF SATSUMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

H. 612 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Petelos to the bill, H. 612, as amended, and the amendment was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Dukes, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

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Nay:

Representative Reed.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 496. COMMENDING CURTIS E. WILKINSON, III, FOR OUTSTANDING ACCOMPLISHMENTS AT SATSUMA HIGH SCHOOL.

Also:

By Representatives Boyd, Graham, Kennedy and Hall (L):

H.R. 497. COMMENDING ANN RICHARDS AS THE FIRST RECIPIENT OF THE CORRINE BOGGS AWARD.

H. 612 RESUMED

MOTION TO CARRY OVER TABLED

On motion of Representative Perdue, the motion offered by Representative Sims to carry over the bill, H. 612, as amended, to the twenty-sixth legislative day was tabled.

Yeas 59; Nays 11.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carter, Clark (W), Curry, Dukes, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Lindsey, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morton, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Thomas (J), Turner, Vance, Venable and Warren.

Nay:

Representatives Carns, Clouse, Crigler, Dolbare, Knight (A), Laird, McKee, Murphree, Sanderford, Sims and Wren.

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And the bill:

H. 612. To make an appropriation from the State General Fund for the relief of Freddie Lee Gaines of Jefferson County wrongfully convicted of murder and incarcerated for thirteen years.

WHEREAS, in 1972, Freddie Lee Gaines was arrested and held without bond for first degree murder; and

WHEREAS, on October 23, 1974, Mr. Gaines was convicted of first degree murder and sentenced to 30 years; and

WHEREAS, Mr. Gaines was released from prison on July 6, 1985; and

WHEREAS, on August 17, 1990, in Jacksonville, Florida, while in police custody, Larry Cohen confessed to both of the murders to which Mr. Gaines was charged; and

WHEREAS, on February 12, 1991, the District Attorney in Jefferson County moved and the trial court granted Petition for Relief from conviction; and

WHEREAS, the pain and suffering wrongfully endured by Mr. Gaines and his family are regrettable, and the state is morally obligated to make compensation, but Mr. Gaines has no recourse at law to recover same; now therefore,

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 17.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Curry, Dukes, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Lindsey, McAdory, McClammy, McDaniel, Melton, Millican,

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Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Thomas (J), Turner, Vance, Venable and Warren.

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Nay:

Representatives Carns, Crigler, Dean, Dolbare, Flowers, Gaston, Knight (A), Laird, McKee, Parker (T), Payne, Pringle, Sanderford, Sims, Townsend, Turnham and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 612, as amended:

Representatives Baker, Bandy, Black (L), Boyd, Burke, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Reed, Robinson, Rogers (J), Spratt and Thomas (J).

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 612. To make an appropriation from the State General Fund for the relief of Freddie Lee Gaines of Jefferson County wrongfully convicted of murder and incarcerated for thirteen years.

WHEREAS, in 1972, Freddie Lee Gaines was arrested and held without bond for first degree murder; and

WHEREAS, on October 23, 1974, Mr. Gaines was convicted of first degree murder and sentenced to 30 years; and

WHEREAS, Mr. Gaines was released from prison on July 6, 1985; and

WHEREAS, on August 17, 1990, in Jacksonville, Florida, while in police custody, Larry Cohen confessed to both of the murders to which Mr. Gaines was charged; and

WHEREAS, on February 12, 1991, the District Attorney in Jefferson County moved and the trial court granted Petition for Relief from conviction; and

WHEREAS, the pain and suffering wrongfully endured by Mr. Gaines and his family are regrettable, and the state is morally obligated to make compensation, but Mr. Gaines has no recourse at law to recover same; now therefore,

TOMMY CARTER
Chairman

And the bill, H. 612, as engrossed, was ordered sent to the Senate.

ADJOURNMENT

On motion of Representative Thomas (J), the House adjourned until 9:00 o'clock a.m., Thursday, May 2, 1996.

Yeas 49; Nays 35.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Carns, Carothers, Dolbare, Dukes, Gaines, Galliher, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Knight (J), Laird, Layson, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morton, Murphree, Page, Parker (P), Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turner, Vance and Venable.

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Nay:

Representatives Black (M), Box, Burke, Buskey, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Fuller, Gaston, Gipson, Haney, Hill, Hilliard, Hinshaw, Hooper, Johnson (R), Kennedy, Knight (A), Lindsey, McDaniel, McKee, Mitchell, Morrison, Newton (D), Papucci, Payne, Perdue, Petelos, Pringle, Thomas (D), Turnham and Warren.

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TWENTY-SIXTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 2, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Benny Johnson, Hunting Ridge Church of God, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kathy Duffala, 9th Grade, Decatur High School, Decatur, Alabama, and Todd Powers, 10th Grade, Madison Academy, Huntsville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fifth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-fifth legislative day was dispensed with.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to receive the call of Districts for the Introduction of Bills and Resolutions.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to permit the Standing Committees to report later in the day.

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that the House recess from 10:00 o'clock a.m. until a call of the Chair was adopted.

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that the House recess from 12:00 o'clock Noon until 1:30 o'clock p.m. was adopted.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m., Tuesday, May 7, 1996, and when the House adjourns on May 7, 1996, it adjourns to meet again at 10:00 o'clock a.m., Wednesday, May 8, 1996, and when the House adjourns on May 8, 1996, it adjourns to meet again at 9:00 o'clock a.m., Thursday, May 9, 1996, and the motion was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hawk:

H. 1038. Relating to inmates in municipal or county jails or state correctional institutions; to require the warden or superintendent to immediately notify the next of kin upon the death of an inmate; and to permit the performance of an independent autopsy upon the request of any relative of the deceased.

COMMITTEE ON JUDICIARY

By Representative Newton (C) (With Notice and Proof):

H. 1039. Relating to Butler County; authorizing the county commission to collect taxes, licenses, fees, and other revenues currently being collected by the State Department of Revenue.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1039, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Fuller:

H. 1040. To reappropriate, for fiscal years 1995-96 and 1996-97, all unexpended and unencumbered monies previously appropriated to the Education Technology Fund under Act 94-673 and the fiscal year 1994-95 appropriation made in Act 95-650; to reduce the fiscal year 1995-96 appropriation to the Education Technology Fund made in Act 95-650; to provide for the use of the reappropriated funds; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Thomas (J) (With Notice and Proof):

H. 1041. Relating to Wilcox County; providing for the levy, collection, and distribution of an occupational privilege license fee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1041, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Laird:

H. 1042. To state legislative findings, to modify existing law concerning the rights of property insurers by granting insurers, under certain circumstances, the substantive independent right to pursue subrogation and recover amounts paid to their insureds even though the insured may not be fully compensated for all damages sustained; to provide a procedure for the prosecution of such subrogation claims and for rules concerning the joining of parties to suits and the entitlement of the insured and the insurance company to proceeds of any recovery; to allow a subrogating insurer an additional period of 60 days following the expiration of the time allowed by law for the insured to file a civil action against the tortfeasor where the insured has filed no civil action against the tortfeasor for damage to property; to provide a procedure by which a tortfeasor may protect itself from multiple suits; to specify the appropriate forum for and the procedures to be used in resolving disputes arising from the pursuit of subrogation rights afforded by this act; to change existing law prohibiting the splitting of causes of action to permit the insurer to maintain an independent right to recover its subrogation interest from a tortfeasor regardless of whether the insured pursues recovery of other damages from the tortfeasor; to modify the doctrines of res judicata and collateral estoppel to permit insureds and insurers to maintain separate actions for the recovery of their respective losses in such a manner that no action by the insurer will prejudice the rights of the insured; to provide the insured with the option of permitting the subrogating insurer to pursue and recover the insured's deductible and providing that the subrogating insurer, in that event, shall reimburse the insured his or her deductible out of the first monies recovered; to prohibit double recovery of property damage by an insured and to prohibit insureds from prejudicing the insurer's subrogation rights.

COMMITTEE ON INSURANCE

By Representatives Venable, Sanderford, Hall (A), Buskey, and Morrison:

H. 1043. To amend Section 29-1-4 of the Code of Alabama 1975, to provide further for the time of commencing certain regular sessions of the Legislature.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Venable, Gipson, and Wren (With Notice and Proof):

H. 1044. Relating to Elmore County; authorizing the Elmore County Commission to levy a user fee on the issuance of all motor vehicle license tags for

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passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes, or fees levied thereon; to provide for the payment, collection, and distribution of the net revenues from such user fees; and to provide for a referendum on this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1044, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McDaniel and Hawk (With Notice and Proof):

H. 1045. Relating to Marshall County; to amend Act No. 93-502, H. 815, 1993 Regular Session (Acts 1993, p. 841), to further provide for the membership on the emergency telephone service board of commissioners.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1045, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Willis (With Notice and Proof):

H. 1046. Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1046, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Willis (With Notice and Proof):

H. 1047. Relating to Calhoun County; to provide for the rehabilitation of certain persons convicted of any type crime and sentenced to a term of confinement in the Calhoun County jail or state prison; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; and to

repeal all laws or parts of laws which conflict with this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1047, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 498. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty-Sixth legislative day, Thursday, May 2, 1996, taking precedence over any previous special order, the regular order of business or any pending or unfinished business. Upon completion of this special order, the House shall resume the business upon which it was previously engaged:

And the Following bills:

Inst Id	Page
H. 577 (By Hill)	51

Banking laws, mini-code, substantially revised, Secs. 5-19-1, 5-19-3 to 5-19-26, inclusive, 5-19-29 to 5-19-31, inclusive, am'd., Secs. 5-19-32, 5-19-33 added

On motion of Representative Carter, the resolution, H.R. 498, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Laird protested the vote ratio by which the bill, H. 612, passed the House on the twenty-fifth legislative day and the following was filed by him:

Pursuant to the authority granted by Section 55 of the Constitution of Alabama of 1901, the following protest concerning House Bill 612 is submitted to the House of Representatives for entry on the journal of the House of Representatives:

House Bill 612, which makes an appropriation from the State General Fund for the relief of Freddie Gaines of Jefferson County, is injurious to the public because it violates the intent of Section 73 of the Constitution of Alabama of 1901. Section 73 provides "No appropriation shall be made to any charitable or educational institution not under the absolute control of the state,... except by a vote of two-thirds of all the members elected to each house."

House Bill 612 contains an appropriation that is subject to the vote ratio requirements of Section 73. In the House of Representatives, the vote ratio requirement is 70 votes. Final passage of House Bill 612 was declared with a vote of 67 yeas, an insufficient number to satisfy Section 73.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 473. DESIGNATING THE BRIDGE OVER HURTSBORO CREEK, IN RUSSELL COUNTY, ON UPSHAW ROAD, "THE LYNNE T. OWENS BRIDGE".

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 577, was adopted.

Yeas 87; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen,

Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Houston, McAdory, Newton (D), Perdue and Spratt.

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And the bill:

H. 577. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," relating to consumer credit transactions, to provide for legislative findings; to amend and to provide further for definitions; to amend, clarify, and conform various provisions of Chapter 19, Title 5 to the amended definitions; to amend and provide further for finance charges and to amend and clarify finance charges applicable to consumer credit transactions which provide for simple finance charge computations; to clarify the applicability of Sections 5-19-1(1) and 5-19-3 to nonconsumer credit transactions; to amend and provide further for fees and charges which must be refunded or credited upon refinancing or renewal of a debt; to provide that the copy of the instruments furnished to the debtor need not be copies which are signed by the debtor; to amend the disclosures required to be given under this chapter by a creditor by deleting the requirement for disclosures of real estate mortgage broker fees and points for a consumer credit transaction subject to Section 5-19-4(g) and to further clarify disclosure requirements; to clarify and to provide further for attorney fees which may be charged by a creditor on a consumer credit transaction prior to and after default by the debtor; to provide that the notice required by federal law related to home solicitation sales satisfies the notice requirements under Section 5-19-12, to shorten to 20 days the time within which a creditor must take possession of the goods where the buyer has elected to cancel the sale, and to provide that a buyer may cancel a home solicitation sale at any time within one year after the date of sale if the seller has failed to comply with the notice requirement; to provide that unconscionability is determined at the time a consumer credit contract is made, that unconscionability is available only as a defense to the enforcement of a consumer credit contract, and that a creditor is entitled at least to the fair value of performance for a contract later declared void in whole or in part due to unconscionability; to amend and provide further for the prohibition against a creditor inducing a person to become obligated on more than one contract in order to obtain a higher finance charge including providing that a creditor is not obligated to maintain two or more contracts and that a creditor has no liability for requiring the consolidation of accounts or contracts; to amend and provide further for the remedies of a debtor and liabilities of a creditor for excess

finance charges or other violations of Chapter 19, Title 5; to provide that a creditor who fails to obtain the required license may maintain an action without affecting the enforceability of the consumer credit transaction if the creditor obtains a license and pays the administrator a civil penalty equal to three times the amount of the investigation fee and the annual license fee for each year or portion thereof the creditor is in violation of the licensing requirement but not to exceed a civil penalty in the amount of one hundred thousand dollars (\$100,000); to amend and provide further for the time period during which a debtor may bring a cause of action for a violation of Chapter 19, Title 5; to provide that a creditor or assignee of a consumer credit contract has no liability for failing to comply with any requirement of Chapter 19, Title 5, if, after discovering the failure and before receiving written notice from the debtor, the creditor corrects the failure prior to the debtor bringing a cause of action against the creditor or giving the creditor written notice of the failure; to provide the circumstances which must be proven by clear and convincing evidence as a condition to the admissibility of an oral statement which contradicts the provisions of a credit transaction document and to provide that a debtor cannot claim reasonable reliance upon an oral statement which contradicts the provisions of a credit transaction document which is disclosed in accordance with federal or state statute or regulation; to provide that a creditor is not liable for incidental, consequential, or punitive damages because of a violation of Chapter 19, Title 5; to provide that the remedies provided in Chapter 19, Title 5, for violations of Chapter 19, Title 5 are limited to those provided in Chapter 19, Title 5; to provide that a consumer credit transaction does not create a confidential relationship between the debtor and creditor or a fiduciary duty on the part of the creditor; to amend and provide further for the insurance which may be required or offered in connection with a consumer credit transaction and for the maximum premiums and charges for insurance including credit life, disability, involuntary unemployment insurance, collateral protection insurance, property insurance, and nonfiling insurance; to amend and clarify that a creditor has no duty in the absence of a written agreement to obtain insurance; to provide that a creditor may offer and finance other insurance which is approved by the administrator; to amend and provide further for the administrator's authority to make rules and regulations and the administrator's and administrator's designee's authority to issue written interpretations of the provisions of Chapter 19, Title 5, to provide for the consequence of a creditor for any act or practice done or omitted in conformity with any regulation or interpretation of the administrator, administrator's designee, or other state or federal agency, or opinion of the Attorney General; to provide further for the licensing of creditors engaged in the business of making consumer loans or taking assignments of consumer credit contracts, including that a creditor having a place of business in Alabama or a resident employee whose employment includes making consumer loans or taking assignments of consumer credit contracts must obtain a license, specifying the business locations of a creditor which must be licensed, and providing that a seller with respect to a consumer credit sale contract and the financing of permitted charges is not required to be licensed under Chapter 19, Title 5, to increase the annual license fee; to provide for the confidentiality of reports of examinations, and investigations and working papers related thereto of the State Banking Department; to provide the method by which a creditor's books and records may be maintained and reproduced; to

amend and clarify the nonapplicability of specified provisions of Chapter 19, Title 5, to certain real estate transactions by a creditor which is an approved mortgagee under the provisions of the National Housing Act; to provide the administrator the power to assess civil monetary penalties against a creditor for violating Title 5, Chapter 19; to provide that a creditor and any other person may sell and finance a service contract and that service contracts do not constitute insurance for any purpose; to provide for the effect of certain provisions of this act including the retroactive application of the amendments to Sections 5-19-17, except subsection (d), 5-19-19, 5-19-20, except subsections (b)(2), (c), and (d)(2), 5-19-22, except subsection (h), and 5-19-31; to provide that the provisions of Section 5-19-11(b) relating to remedies of debtors and obligations of creditors and Section 5-19-11(c) relating to the powers of the Administrator are transferred to, and restated and amended in, Section 5-19-19(c) and Section 5-19-19(i), respectively, and that the remainder of Section 5-19-11 is repealed; to provide for severability of the provisions of this act; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representatives Houston, McAdory, Mitchell, Newton (D) and Perdue.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 577:

**REGULAR SESSION
26th Day**

2485

Representatives Allen, Burke, Carter, Clark (J), Crigler, Curry, Dean, Flowers, Fuller, Gaines, Gaston, Hammett, Haney, Hawkins, Hooper, Knight (A), Laird, Layson, McDaniel, McKee, Morton, Papucci, Payne, Petelos, Rogers (M), Sanderford, Sanderson, Sims, Townsend, Turnham, Willis and Wren.

SPECIAL ORDER CALENDAR CONTINUED

The House then proceeded with the consideration of the Special Order Calendar, H.R. 453, as amended, which was adopted on the twenty-fourth legislative day.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 342, was adopted.

Yeas 74; Nays 5.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representatives McKee, Parker (P), Robinson, Seibenhener and Sims.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 499. COMMENDING PHILLIP A. GARDNER FOR OUTSTANDING ACCOMPLISHMENTS AT SATSUMA HIGH SCHOOL.

Also:

By Representative Box:

H.R. 500. COMMENDING DANA HARE FOR OUTSTANDING ACCOMPLISHMENTS AT SATSUMA HIGH SCHOOL.

Also:

The following resolution was introduced:

By Representative Morrison:

H.J.R. 501. URGING THE STATE OF ALABAMA TO ENFORCE ITS PROMPT PAYMENT STATUTE.

The resolution, H.J.R. 501, was read and referred to the Standing Committee on Rules.

BILLS ON SECOND READING

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 227. To propose an amendment to Article XIV, Section 8, as amended by Amendment No. 37 of the Constitution of Alabama of 1901, as amended, to remove the prohibition against pleading guilty within 15 days of an information in a non-capital felony case.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1016. To amend Section 38-7-2, Code of Alabama 1975, to provide for the licensing of small and large child care group homes.

H. 215. To amend Section 34-31-28 of the Code of Alabama 1975, relating to written or oral examinations for qualification as certified contractors and application for certification of certain persons without examination; to provide that persons who has been certified by any branch of the armed forces of the United States while they were on active duty to install or repair heating and air conditioning

systems for a period of two years or more immediately before they apply for certification shall not be required to stand for an examination.

H. 642. To amend Sections 41-16-120, 41-16-122, and 41-16-123 of the Code of Alabama 1975, relating the purchase of surplus property; to provide that payment for purchase of surplus property by eligible entities from the Surplus Property Division of the Alabama Department of Economic and Community Affairs shall be made within 60 days of purchases and to provide for an unappropriated, perpetual, inventory fund for the purchase of federal personal property for resale by the Surplus Property Division of the Alabama Department of Economic and Community Affairs.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 747. (With Amendment): To amend Section 25-5-77, Code of Alabama 1975, relating to Workers' Compensation, to provide further for the medical treatment of injured employees.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1018. (With Amendments): To amend Sections 25-5-77 and 25-5-314, Code of Alabama 1975, to provide further for communications between an employer and the treating physician of an injured employee of the employer; to provide procedures for determining whether the treatment of a designated physician is reasonable, necessary, or both; and to provide a procedure whereby the employer may direct certain referrals from the treating physician to another physician.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1019. (With Amendment): Relating to workers' compensation; to amend Sections 25-5-51, 25-5-53, and 25-5-89, Code of Alabama 1975, to provide for denial of benefits when an employee tests positive for intoxication or drug use; to create a rebuttable presumption relating to determining the cause of an accident; to extend immunity to certain persons; to define those court costs subject to taxation of costs; and to provide for offers of judgment in workers' compensation cases.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 873. To amend Section 16-11-2 of the Code of Alabama 1975, to provide that only one classroom teacher may serve as a member of the Board of Education of the City of Attalla.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 960. To amend Sections 22-21-274 and 22-21-275, Code of Alabama 1975, relating to the State Health Planning and Development Agency and the adoption of procedures for the review of applications for certificates of need and for the issuance of the certificate of need, to further provide for procedures; and to provide for appeals from the agency directly to the Montgomery County Circuit Court.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 632. (With Substitute): To amend Sections 22-21-260, 22-21-261, 22-21-263, 22-21-264, Section 1 of Act No. 95-565, H. 754, 1995 Regular Session, now appearing as Section 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-270, 22-21-271, 22-21-274, 22-21-275, and 22-21-276, Code of Alabama 1975; to repeal Sections 22-4-1, 22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-14, 22-4-15, 22-4-16, 22-4-17, and 22-21-278, Code of Alabama 1975; to establish the State Health Facilities Commission; to abolish the State Health Planning and Development Agency and the Statewide Health Coordinating Council; to eliminate the inclusion of an analysis of the need for development of certain health services in the annual state plan; to eliminate the certificate of need requirement for certain health services; to provide requirements for the addition of hospital or nursing home beds to certain health facilities; and to provide requirements for obtaining a certificate of need to add beds by a hospital or nursing home.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 972. To amend Section 22-21-263 of the Code of Alabama 1975, to exempt from certificate of need review the following: (1) capital expenditures by or

on behalf of a health care facility or health maintenance organization for magnetic resonance imaging equipment regardless of the amount of the expenditures; and (2) psychiatric services and obstetrical services offered in or through health care facilities; and to clarify the definition of rural hospitals.

S. 13. To amend Section 1 of Act No. 95-738, now appearing as Section 27-47-1, Code of Alabama 1975, to provide that the term "qualified long-term care services" includes assisted living.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 154. (With Substitute): To amend Section 12-21-6.1 of the Code of Alabama 1975, relating to the reproduction and delivery of medical records, to further provide for the release of medical records and the responsibility for costs and to increase the limitations on the reasonable costs and the search fee that may be charged by the provider of the records.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 203. To create the Respiratory Care Act to provide for the regulation and licensing of persons administering respiratory care; to create the Alabama State Board of Respiratory Care and provide for its powers, duties, and responsibilities; to create the Alabama State Board of Respiratory Care Fund for receipts collected by the board and to provide for the administration of the fund; to make appropriations from the fund to the board; and to provide for prohibited acts and penalties.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 914. (With Amendment): To require corporations, associations, health maintenance organizations, nonprofit health service organizations, employee-sponsored health benefit companies, or any similar organizations or entities providing various health coverages and plans to furnish members with a written notice of the terms and conditions of the plan and a right to written information on the basis on which coverage or service is denied; to provide that a practitioner shall be exempt from liability under certain conditions; and to provide that the insurance carrier that refuses or denies authority for a treatment, procedure, or test may be liable for damages.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 986. To amend Section 22-27-3, Code of Alabama 1975, relating to the authority of local governing bodies to provide for solid waste collection services and fees; to allow local governing bodies to adopt rules and regulations to provide exemptions from those services and fees.

H. 725. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 922. To amend Section 11-85-56 of the Code of Alabama 1975, relating to the powers and duties of regional planning and development commissions, to authorize the commissions to issue bonds.

H. 902. To amend Section 17-7-5.1, Code of Alabama 1975, relating to the times that polling places are open, to further provide further for those times.

H. 1010. To alter or rearrange the boundary lines of the Town of Taylor, Houston County, Alabama so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 557. (With Amendment): To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the minimum compensation and to provide for an increase in compensation for certain county commission chairs who serve full-time.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 391. (With Amendments): To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1009. To amend further Act No. 91-705, H. 1082, 1991 Regular Session (Acts of Alabama 1991, p. 1374), as last amended by Act No. 93-498, H. 776, 1993 Regular Session (Acts of Alabama 1993, p. 838), relating to Coffee County and providing for a special recording fee for documents filed in the office of the Judge of Probate, to provide further for the disposition of the fee.

H. 1022. Relating to Marengo County; to amend further Act No. 183, S. 234, 1935 Regular Session (Local Acts 1935, p. 106), to provide that the members of the Marengo County Board of Education serve terms of six years with such terms phased in and staggered; to provide for the election of a president and vice-president of the board and to prescribe the powers and duties of the president; to provide for an expense allowance for members of the board; and to repeal Act No. 80-345, H. 955, 1980 Regular Session (Acts 1980, p. 467).

H. 1025. Relating to Bullock County; abolishing the office of constable.

H. 1026. Relating to Bullock County; providing an expense allowance for the members of the Bullock County Board of Education; and repealing Act No. 2083, H. 1265 of the 1971 Regular Session (Acts 1971, p. 3354).

H. 1033. Relating to Cleburne County; to authorize the county commission to sell driveway pipe to churches, schools, individuals, and nonprofit associations or corporations under certain conditions.

H. 1035. To alter or rearrange the boundary lines of the City of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Gulf Shores, Baldwin County, Alabama.

H. 994. Relating to Houston County, to impose a fee of \$35 as a processing fee to compile and print a list for the general public of all holders of a privilege or business license issued by the judge of probate for an entire fiscal year or a fiscal year to date; or a fee of \$20 for compiling and printing lists and updates of a single month new privilege or business licenses issued by the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

H. 995. Relating to Houston County; to impose a special additional filing fee of three dollars on certain instruments, documents, and papers filed for record in the office of the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

H. 996. Relating to Houston County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

H. 997. Relating to Houston County; to provide for the issuance of annual privilege license by mail by the judge of probate; and to provide an additional fee for the purposes of this act.

H. 1031. Relating to Houston County, proposing an amendment of the Constitution of Alabama of 1901, to provide that qualified electors in Houston County may vote on candidates for county offices without regard to the political affiliation of the elector.

The above bill was read a second time at length as required by the Constitution.

H. 1032. To alter or rearrange the boundary lines of the Town of Malvern, Geneva County, Alabama so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1034. Relating to Tuscaloosa County; to amend Act No. 56, 1953 Regular Session, as amended by Act No. 94-554, 1994 Regular Session, (Acts, p. 1010), to further authorize the levy of sales and use taxes with respect to selling, storing, using, or otherwise consuming retail machines used in the mining, quarrying, compounding, processing, and manufacturing of tangible personal property.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 987. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Camden in Wilcox County.

H. 1037. Proposing an amendment to the Constitution of Alabama of 1901, prohibiting the municipalities and the County Commission of DeKalb County from levying additional or increasing of the levy of local sales, occupational, use, gasoline, and cigarette taxes after December 31, 1996, without approval by referendum.

The above bill was read a second time at length as required by the Constitution.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 473. DESIGNATING THE BRIDGE OVER HURTSBORO CREEK, IN RUSSELL COUNTY, ON UPSHAW ROAD, "THE LYNNE T. OWENS BRIDGE".

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representatives McKee, Hooper and Wren:

H.J.R. 502. MOURNING THE DEATH OF DELOSS WALKER OF MEMPHIS, TENNESSEE.

The resolution, H.J.R. 502, was read and referred to the Standing Committee on Rules.

RECESS

The hour of 10:00 o'clock a.m. having arrived and pursuant to the motion heretofore adopted, the House recessed until a call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

H. 342 TAKEN UP

And the bill:

H. 342. (With Substitute): To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 342, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center and \$60,000 to the Twenty First Century Youth Leadership Training Project for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$47,000 to the Black Belt Human Resource Development Center from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$60,000 from the Education Trust Fund to the Twenty First Century Youth Leadership Training Project for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 4. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 3.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Drake, Fuller, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

Nay:

Representatives Dolbare, Hall (A) and Parker (P).

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And the bill:

H. 342. To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center and \$60,000 to the Twenty First Century Youth Leadership Training Project for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Drake, Dukes, Ford, Fuller, Galliher, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morton, Murphree, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-73

Nay:

Representatives Dolbare, Gaines, Gipson, Hall (A), Parker (P), Sims and Warren.

- 7

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morrison intended to vote "Nay" on passage of the bill, H. 342, as amended.

RESOLUTION

The following resolution was introduced:

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By Representative Townsend:

H.J.R. 503. COMMENDING THE JUNIOR AND SENIOR CIVITAN CLUBS OF THE ALABAMA CENTRAL DISTRICT ON HOSTING THE SIXTEENTH ANNUAL CONVENTION OF JUNIOR CIVITAN INTERNATIONAL.

The resolution, H.J.R. 503, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 312, was adopted.

Yeas 77; Nays 6.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

-77

Nay:

Representatives Dolbare, Gipson, Hall (A), Parker (P), Sims and Warren.

- 6

And the bill:

H. 312. (With Substitute): To make an appropriation of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 312, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$126,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$126,250 to the Central Alabama Opportunities Industrialization Center from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1997, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 71; Nays 7.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Minnifield, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

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Nay:

Representatives Dolbare, Gipson, Morrison, Parker (P), Rogers (M), Thomas (D) and Warren.

- 7

And the bill:

H. 312. To make an appropriation of \$126,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 10.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

-74

Nay:

Representatives Dolbare, Gaines, Gipson, Hall (A), Parker (P), Rogers (M), Seibenhener, Sims, Thomas (D) and Warren.

-10

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 318, was adopted.

Yeas 84; Nays 4.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

-84

Nay:

Representatives Dolbare, Parker (P), Sims and Warren.

- 4

And the bill:

H. 318. (With Substitute): To make an appropriation of \$20,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 318, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$20,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$20,000 to the Exploreum Museum of Discovery from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to

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the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 6.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable and Willis.

-81

Nay:

Representatives Dolbare, Morrison, Parker (P), Seibenhener, Smith and Warren.

- 6

And the bill:

H. 318. To make an appropriation of \$20,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 8.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

-81

Nay:

Representatives Dolbare, Gaines, Hall (A), Parker (P), Seibenhener, Sims, Thomas (D) and Warren.

- 8

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 343. Relating to DeKalb County; providing for an advisory referendum on the question of whether the chair of the county commission shall be combined with the Office of the Judge of Probate.

Also:

S. 345. Relating to DeKalb County; providing for an advisory referendum on the question of whether the county superintendent of education shall be elected by the electors residing outside the city limits of the City of Fort Payne.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 73. COMMENDING BARBARA H. PITTS ON HER OUTSTANDING COMMUNITY ACHIEVEMENTS.

Also:

S.J.R. 93. MOURNING THE DEATH OF GERALD DUNN CRUMPTON OF MONTGOMERY, ALABAMA.

Also:

S.J.R. 109. MOURNING THE DEATH OF A. W. TODD.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 269. To authorize the Alabama National Guard to enter into an interstate compact to assist others in drug interdiction, counter-drug activities, and demand reduction; and to provide for its purposes, member parties, organization, structure, powers, and duties.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 339, was adopted.

Yeas 79; Nays 8.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-79

Nay:

Representatives Dolbare, Gipson, Hall (A), Parker (P), Rogers (M), Sims, Smith and Warren.

- 8

And the bill:

H. 339. (With Substitute): To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 339, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$129,081 to the Alabama League for the Advancement of Education from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 4.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sanderson,

Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representatives Dolbare, Parker (P), Sims and Smith.

- 4

And the bill:

H. 339. To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 11.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-74

Nay:

Representatives Dolbare, Gaines, Gipson, Hall (A), Parker (P), Rogers (M), Seibenhener, Sims, Smith, Thomas (D) and Warren.

-11

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 87, was adopted.

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Yeas 74; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Venable, Willis and Wren.

-74

Nay:

Representatives Dolbare, Gipson, Parker (P), Rogers (M) and Seibenhener.

- 5

And the bill:

H. 87. To make an appropriation of \$120,000 from the Education Trust Fund for the support and maintenance of the Children's Hands-On Museum in Tuscaloosa for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Parker (T) offered the following amendment to the bill, H. 87:

Amend House bill 87 on page 2, by adding after the period the following on line 3:

"In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

-86

And the bill:

H. 87. To make an appropriation of \$120,000 from the Education Trust Fund for the support and maintenance of the Children's Hands-On Museum in Tuscaloosa for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 8.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Venable and Willis.

-78

Nay:

Representatives Dolbare, Gaines, Gipson, Parker (P), Rogers (M), Seibenhener, Thomas (D) and Warren.

- 8

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Buskey, the Budget Isolation Resolution relating to the bill, H. 360, was adopted.

Yeas 91; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representatives Clouse, Gaines, Knight (A), McKee and Pringle.

- 5

And the bill:

H. 360. (With Amendment): To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, H. 360, said committee amendment being as follows:

Amend H. 360 on Page 5, Section 10, Line 4, after the word "person" add the following language: either applied for employment, or

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

AMENDMENT OFFERED

Representative McDaniel offered the following amendment to the bill, H. 360, as amended:

Amend H. 360 on Page 2, line 5 by striking the figure "10" and inserting in lieu thereof the figure "20".

AMENDMENT TABLED

On motion of Representative Buskey, the amendment offered by Representative McDaniel to the bill, H. 360, as amended, was tabled.

Yeas 56; Nays 39.

Yea:

Mr. Speaker, Black (L), Box, Boyd, Burke, Buskey, Carter, Clark (W), Dolbare, Drake, Dukes, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hayden, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson,

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Johnson (E), Johnson (R), Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Perdue, Reed, Robinson, Rogers (M), Spratt, Starkey, Thomas (J), Turner, Vance, Warren, White and Willis.

-56

Nay:

Representatives Baker, Black (M), Carns, Clouse, Collins, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Moore, Newton (C), Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Thomas (D), Townsend, Turnham, Venable and Wren.

-39

AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, H. 360, as amended:

Amend H. 360 on Page 5, line 11 by inserting a new Section 11 and renumbering all other sections:

"Section 11. No aggrieved person or persons may seek such legal or equitable relief created by the passage of this act through any class action proceeding against any person, employer, equipment agency, or labor organization covered by the provisions of this act"

AMENDMENT TABLED

On motion of Representative Buskey, the amendment offered by Representative Gaines to the bill, H. 360, as amended, was tabled.

Yeas 50; Nays 43.

Yea:

Representatives Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carter, Clark (W), Dolbare, Drake, Dukes, Ford, Fuller, Gipson, Graham, Guin, Hall (A), Hall (L), Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Perdue, Robinson, Rogers (M), Smith, Spratt, Thomas (J), Turner, Vance, Warren and Willis.

-50

Nay:

Mr. Speaker, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Flowers, Gaines, Galliher, Gaston, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Millican, Moore, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Starkey, Thomas (D), Townsend, Turnham and Wren.

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AMENDMENT OFFERED

Representative Sanderson offered the following amendment to the bill, H. 360, as amended:

Amend H. 360 on Page 5, Section 10, line 6, after the word "act." add the following language: , but shall not be entitled to an award of punitive damages.

AMENDMENT TABLED

On motion of Representative Buskey, the amendment offered by Representative Sanderson to the bill, H. 360, as amended, was tabled.

Yeas 50; Nays 38.

Yea:

Representatives Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carter, Clark (W), Dolbare, Drake, Dukes, Gipson, Graham, Hall (A), Hall (L), Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Perdue, Reed, Robinson, Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turner, Vance, Warren, White and Willis.

-50

Nay:

Representatives Carns, Clouse, Crigler, Curry, Dean, Flowers, Ford, Gaines, Galliher, Gaston, Guin, Hammett, Haney, Hawkins, Hill, Hinshaw, Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Moore, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Thomas (D), Townsend, Turnham, Venable and Wren.

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AMENDMENT OFFERED

Representative Hooper offered the following amendment to the bill, H. 360, as amended:

On page 5, line 10, after the language "action." insert the following sentence: Punitive damages awarded pursuant to this act shall not exceed two times any compensatory damages.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 87. To make an appropriation of \$120,000 from the Education Trust Fund for the support and maintenance of the Children's Hands-On Museum in Tuscaloosa for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 87, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 312. To make an appropriation of \$126,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 312, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 342. To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center and \$60,000 to the Twenty First Century Youth Leadership Training Project for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 342, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 318. To make an appropriation of \$20,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 318, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 339. To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 339, as engrossed, was ordered sent to the Senate.

H. 360 RESUMED

MOTION IN WRITING OFFERED

Representative Hall (A) offered the following Motion in Writing relating to the bill, H. 360, as amended:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost.

Yeas 14; Nays 40.

Yea:

Representatives Burke, Carter, Ford, Hall (A), Hogan, Hooper, Johnson (E), Laird, Layson, McAdory, Morri~~son~~, Papucci, Reed and White.

-14

Nay:

Representatives Black (L), Black (M), Boyd, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Fuller, Gaines, Gaston, Graham, Guin, Haney, Hawkins, Hayden, Hill, Hinshaw, Knight (A), Maull, McKee, McMillan, Minnifield, Mitchell, Morton, Murphree, Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Starkey, Thomas (D), Townsend and Turnham.

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AMENDMENT OFFERED

Representative Pringle offered the following amendment to the bill, H. 360, as amended:

On page 2, line 21, delete the language "40 years of age and over" and insert in lieu thereof the following: based on age

AMENDMENT TABLED

On motion of Representative Buskey, the amendment offered by Representative Pringle to the bill, H. 360, as amended, was tabled.

Yeas 62; Nays 23.

Yea:

Representatives Baker, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Dolbare, Drake, Dukes, Ford, Galliher, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Layson, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Reed, Robinson, Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turner, Vance, Venable, Warren and Willis.

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Nay:

Representatives Black (M), Carns, Clouse, Crigler, Curry, Dean, Gaines, Guin, Haney, Hawkins, Hill, Knight (A), Laird, McKee, Moore, Murphree, Payne, Petelos, Pringle, Sanderford, Sanderson, Sims and Thomas (D).

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And the bill:

H. 360. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 6.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Carns, Clouse, Curry, Gaines, McKee and Petelos.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Pringle intended to vote "Nay" on passage of the bill, H. 360, as amended.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 504. MOURNING THE DEATH OF OBADIAH THREADGILL OF LIVINGSTON, ALABAMA.

Also:

By Representative Hammett:

H.R. 505. COMMENDING THE ANDALUSIA HIGH SCHOOL LADY BULLDOGS ON THEIR 1996 STATE 5A TENNIS CHAMPIONSHIP.

RECESS

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Parker (T), the rules were suspended in order to permit the Standing Committee on Local Legislation No. 3 to meet while the House is in Session.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, H. 299, was adopted.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dukes, Ford, Fuller, Gaines, Gipson, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morton, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Parker (P).

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RESOLUTION

The following resolution was introduced:

By Representative Smith:

H.J.R. 506. REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ALLOW THE DISPLAY OF OLYMPIC FLAGS, BANNERS, AND INSIGNIAS.

The resolution, H.J.R. 506, was read and referred to the Standing Committee on Rules.

H. 299 TAKEN UP

And the bill:

H. 299. (With Substitute): To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 299, said committee substitute being as follows:

To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Reed offered the following substitute #1 to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 299:

To make an appropriation of \$3,968,250 from the Special Educational Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, and to require certain reports prior to the release of any funds.

H. 299 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 299, the pending substitute reported by the Standing Committee on Ways and Means and the pending substitute #1 offered by Representative Reed were temporarily carried over at the request of Representative Reed.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 360. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

TOMMY CARTER
Chairman

And the bill, H. 360, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (W), the Budget Isolation Resolution relating to the bill, H. 392, was adopted.

Yeas 47; Nays 22.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Clark (W), Collins, Dukes, Flowers, Fuller, Graham, Guin, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Kennedy, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morton, Murphree, Newton (C), Papucci, Penry, Perdue, Reed, Sims, Spratt, Thomas (J), Vance, Warren and Willis.

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Nay:

Representatives Carns, Curry, Dean, Dolbare, Drake, Hall (A), Hinshaw, Jorgensen, Knight (A), McKee, Morrison, Morrow, Page, Parker (T), Payne, Pringle, Sanderford, Smith, Starkey, Thomas (D), Townsend and Turner.

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And the bill:

H. 392. To amend Section 23-1-80 of the Code of Alabama 1975; to authorize the establishment of standards for the design, construction, and maintenance of county roads; and to provide for adoption by the county commission.

was taken up.

SUBSTITUTE OFFERED

Representative Clark (W) offered the following substitute to the bill, H. 392:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 23-1-80 of the Code of Alabama 1975; to authorize the establishment of standards for the design, construction, and maintenance of future county roads; and to provide for the approval of the Alabama Department of Transportation and for adoption by the county commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 23-1-80 of the Code of Alabama 1975, is amended to read as follows:

"§23-1-80.

"The county commissions of the several counties of this state have general superintendence of the public roads, bridges, and ferries within their respective counties so as to render travel over the same as safe and convenient as practicable. ~~To this end, they have~~ Each county has legislative and executive powers, except as limited in this chapter. They may establish, promulgate, and enforce rules and regulations, make and enter into ~~such~~ contracts as may be necessary or as may be deemed necessary or advisable by ~~such~~ the commissions to build, construct, make, improve, and maintain a good system of public roads, bridges, and ferries in their respective counties, and regulate ~~the their use thereof;~~ but no No contract for the construction or repair of any public roads, bridge or bridges shall be made where the payment of the contract price for ~~such~~ the work shall extend over a period of more than 20 years. The Association of County Engineers of Alabama may establish standards for the design, construction, and maintenance of future county roads, subject to approval by the Alabama Department of Transportation. The county commission of each county in the State of Alabama is hereby authorized to adopt by resolution these standards, which shall govern the design, construction, and maintenance of new county roads after the adoption of the resolution herein required. Provided, however, the standards adopted by a county commission shall apply only to the design and construction of county roads initiated after the date of the county's adoption of the standards authorized under this section. The maintenance standards shall apply only to the maintenance of roads constructed after the date of the county's adoption of the standards authorized under this section."

Section 2. It is the intent of this legislation that the provisions of this legislation will allow the creation of standards for new construction of roads by those counties that voluntarily choose to adopt the standard established by the Association of County Engineers. The fact that one or more Alabama counties voluntarily choose to adopt and implement any such standards shall not be binding on other counties electing not to formally adopt those standards, nor will it be admissible into evidence that another county or other counties have chosen to adopt such standards. The establishment of standards for new road construction, as referenced hereinabove, by the Association of County Engineers, will not create a legal duty for any counties to adopt and/or implement those standards. Only a resolution of the county commission in each county will serve to formally adopt any such standards for the design, construction and maintenance of roads constructed after the adoption of said resolution.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 4.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaston, Graham, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Maul, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

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Nay:

Representatives Curry, Gaines, Guin and Hinshaw.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 101. DESIGNATING THE WEEK OF MAY 19-25, 1996, AS "EMERGENCY MEDICAL SERVICES WEEK" IN ALABAMA.

Also:

S.J.R. 104. HONORING DR. LANCE D. GRISSETT FOR HIS PROFESSIONAL ACHIEVEMENTS.

Also:

S.J.R. 105. DESIGNATING THE PORTION OF INTERSTATE HIGHWAY 10 LOCATED IN THE STATE OF ALABAMA AS THE "PEARL HARBOR MEMORIAL HIGHWAY" IN HONOR OF THE SURVIVORS OF THE ATTACK ON PEARL HARBOR.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

H. 392 RESUMED**AMENDMENT OFFERED**

Representative Hooper offered the following amendment to the bill, H. 392, as amended:

On page 1, line 15, after "commission," add the following: and approved by the Alabama Department of Transportation

To further amend House Bill No. 392, on page 1, line 24, delete the "." after "commission" and add: and the Alabama Department of Transportation.

To further amend House Bill No. 392, on page 2, line 25, after "commission" add and approved by the Alabama Department of Transportation

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 9.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

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Nay:

Representatives Baker, Carns, Collins, Curry, Hinshaw, Morrison, Payne, Petelos and Thomas (D).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Butler and Freeman:

S. 613. To amend Section 40-9B-3 of the Code of Alabama 1975, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories to include refined petroleum pipelines which may qualify for tax abatements.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 613. Industrial Development and Economic Growth.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler (With Notice and Proof):

S. 604. Relating to Limestone County; providing for a processing fee for each person jailed by the sheriff and distribution of the fee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 604, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 604. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Steele (With Notice and Proof):

S. 591. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 591, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 591. Local Legislation No. 6.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Biddle (With Notice and Proof):

S. 485. Relating to Jefferson County; amending Section 1 of Act No. 88-936, H. 191 of the 1988 Special Session (Acts 1988, p. 550), providing that the Chief Deputy Tax Collector shall serve at the pleasure of the person elected to the position of Jefferson County Tax Collector; and repealing Section 2 of the act relating to certain qualifications of the Chief Deputy Tax Collector.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 485, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 485. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little (With Notice and Proof):

S. 631. Relating to the selection of the chair of the Tallapoosa County Commission and designating the office of the chair a full-time position; providing further for the compensation of the chair of the county commission; providing for the termination of expense allowances payable to the chair; and to repeal Act No. 88-157, H. 142 of the 1988 Regular Session (Acts 1988, p. 248).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 631, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 631. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Steele:

S. 593. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 593. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Lindsey (With Notice and Proof):

S. 521. Relating to Choctaw County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and com-

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pensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 521, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 521. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 31. Proposing a constitutional amendment to further authorize the regulation of the office of constable and the fees and commissions paid to a constable or deputy constables in Mobile County; and providing for the election, pursuant to Amendment 555 to the Constitution of 1901.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 31. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smith:

S. 26. To exempt The Bridge, Inc., from the payment of all state, county, and municipal sales and use taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 26. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner (With Notice and Proof):

S. 488. Relating to Jefferson County; amending Section 3 of Act No. 89-1009, S. 32 of the 1989 First Special Session, (Acts 1989, p. 53), to eliminate the "step 5" limitation within class 30 of the annual salary of the chief deputy tax collector; the chief deputy tax collector, Bessemer Division; the chief deputy tax assessor; and the chief deputy tax assessor, Bessemer Division.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 488, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 488. Local Legislation No. 2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders:

S. 649. Relating to Wilcox County; proposing an amendment to the Constitution of Alabama of 1901; to levy an additional 15-mill ad valorem tax.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 649. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford (With Notice and Proof):

S. 687. Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of properly licensed retailers serving the general public in the city.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 687, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 687. Local Legislation No. 5.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Figures (With Notice and Proof):

S. 705. Relating to Mobile County; to amend and reenact Act No. 161 of the 1957 Regular Session (Acts 1957, p. 210), which created the Water Works and Sewer Board of the City of Prichard; to change the name and provide for the employees' pension plan; to provide retirement credit for temporary total disability and provide for retirement of employees; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, and legalities to the fund; to provide for the appointment of trustees; and to provide penalties for violations.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 705, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 705. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom (With Notice and Proof):

S. 684. Relating to Mobile County; requiring the board of school commissioners to adopt a dress code for students.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 684, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 684. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Smitherman (With Notice and Proof):

S. 639. Relating to the Sheriff of Jefferson County; providing for an additional expense allowance for the sheriff; providing that the expense allowances provided to the sheriff shall be eligible for certain treatment for the determination of retirement benefits and allowances and for the withholding of required contributions for membership in any retirement system in which the sheriff may participate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 639, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 639. Local Legislation No. 2.

H. 392 RESUMED

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 392, as amended:

On page 2, line 24, after the language "adopted." add the following sentence: Any standards adopted pursuant to this section shall not affect federal or state funding for county roads.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

-75

Nay:

Representative Hinshaw.

- 1

H. 392 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 392, as amended, was temporarily carried over at the request of Representative Clark (W).

H. 299 AGAIN TAKEN UP

SUBSTITUTE TO SUBSTITUTE TABLED

The question was then on the adoption of the substitute #1 previously offered by Representative Reed to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 299, and on motion of Representative Reed, the substitute #1 offered by him was tabled.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-78

Nay:

Representative Seibenhener.

- 1

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Reed offered the following substitute #2 to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 299:

A BILL TO BE ENTITLED AN ACT

To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, to require a report to the Legislature concerning school tuition and admitting policies and to require certain reports prior to the release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$3,968,250 to Tuskegee University from the Education Trust Fund for the support and maintenance of the institution. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96. The Board of Trustees of Tuskegee University shall make a report to the Legislature by December 1, 1996, detailing the institution's proposed plans and policy changes regarding tuition charged to out-of-state students and creation of a program to encourage enrollment of in-state students.

Section 2. The Department of Examiners of Public Accounts is authorized and empowered to audit the records of the institution to the same extent, degree, and scope as its audits of public educational institutions, and the institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. (a) Prior to the release of any funds appropriated under this act for fiscal year 1996-97 and any subsequent years the following shall occur:

(1) An operations plan for the fiscal year must be forwarded to the Director of Finance.

(2) The current names and addresses, to include zip codes, and telephone numbers, to include area codes, of the President, First Vice-President, Treasurer, and board members of Tuskegee University must be provided annually to members of the Joint Fiscal Committee and upon request of a member of the Legislature and any other public official.

(3) The salary amounts of the President, First Vice-President, and Treasurer of Tuskegee University must be provided annually upon request of a member of the Legislature and any other public official.

(b) It is the intent to release fiscal year 1996-97 funds and any subsequent years funds following receipt of the information in subsection (a).

Section 4. This act shall become effective October 1, 1996.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute #2 offered by Representative Reed was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dukes, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McDaniel, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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SUBSTITUTE OFFERED

Representative Parker (P) offered the following substitute to the bill, H. 299, as amended:

To make an appropriation of \$3,968,250 from the Education Trust Fund to be divided equally between Alabama State University and Alabama A&M Universi-

ty in the amount of \$1,984,125 respectively, for the support and maintenance of the universities for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

SUBSTITUTE TABLED

On motion of Representative Reed, the substitute offered by Representative Parker (P) to the bill H. 299, as amended, was tabled.

Yeas 64; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Page, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

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Nay:

Representatives Haney, Hinshaw, Laird, Papucci and Parker (P).

- 5

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 507. COMMENDING MATTHEW JONATHAN DICK ON HIS INDUCTION INTO THE OPP HALL OF FAME.

Also:

By Representative Hammett:

H.R. 508. COMMENDING B. H. "TUBBY" HALL ON INDUCTION INTO THE OPP HALL OF FAME.

H. 299 CARRIED OVER

On motion of Representative Fuller, the bill, H. 299, as amended, was carried over to the twenty-seventh legislative day.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Parker (T), Melton, Layson, Allen and Guin:

H.R. 509. CONGRATULATING THE UNIVERSITY OF ALABAMA GYMNASTICS TEAM ON ITS 1996 NCAA GYMNASTICS CHAMPIONSHIP.

Also:

The following resolution was introduced:

By Representatives Parker (T), Melton, Layson, Allen and Guin:

H.J.R. 510. CONGRATULATING THE UNIVERSITY OF ALABAMA GYMNASTICS TEAM ON ITS 1996 NCAA GYMNASTICS CHAMPIONSHIP.

The resolution, H.J.R. 510, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Baker, the rules were suspended in order to permit the Standing Committee on Local Legislation No. 1 to meet while the House is in Session.

H. 684 TAKEN UP

And the bill:

H. 684. To further provide for gill net fishing and licensure for hardship cases; to create the Board of Gill Net Hardship Licenses; to provide for the powers and duties of the board; to authorize the board to issue and enforce rules and regulations pursuant to the Alabama Administrative Procedure Act to implement this act; and to provide that this act is cumulative.

as amended, on the fifteenth legislative day was taken up.

SUBSTITUTE OFFERED

Representative Clark (W) offered the following substitute to the bill, H. 684, as amended:

A BILL
TO BE ENTITLED
AN ACT

To further provide for gill net fishing and licensure for hardship cases; to authorize the Department of Conservation and Natural Resources to renew and transfer the licenses; and to provide that this act is cumulative.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Department of Conservation and Natural Resources shall immediately approve the hardship licenses selected on November 17, 1995, pursuant to Executive Order No. 12.

Section 2. An individual approved pursuant to Section 1 shall be subject to the same renewal qualifications as persons licensed under Act No. 95-287, H. 424, 1995 Regular Session.

Section 3. Hardship licenses approved by this act shall be subject to the transfer system established by the Department of Conservation and Natural Resources pursuant to Act No. 95-287, H. 424, 1995 Regular Session.

Section 4. This act shall be construed together with all laws relating to gill net licensure.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson,

**REGULAR SESSION
26th Day**

2541

Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 684. To further provide for gill net fishing and licensure for hardship cases; to authorize the Department of Conservation and Natural Resources to renew and transfer the licenses; and to provide that this act is cumulative.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Hooper to adopt the Budget Isolation Resolution relating to the bill, H. 915, was lost, lacking a three-fifths vote.

Yeas 39; Nays 33.

Yea:

Representatives Allen, Burke, Clouse, Crigler, Curry, Dean, Ford, Gaines, Gaston, Gipson, Hammett, Haney, Hawkins, Hooper, Johnson (E), Knight (A), Laird, Layson, McDaniel, McKee, Moore, Morton, Newton (C), Papucci, Parker (P), Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Townsend, Turner, Turnham, Vance, Venable and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Carothers, Clark (W), Dolbare, Dukes, Galliher, Graham, Guin, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Murphree, Payne, Perdue, Smith, Thomas (J) and Warren.

-33

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Hammett, the Budget Isolation Resolution and the bill, S. 129, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 693, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

-75

And the bill:

H. 693. To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, and to repeal Section 5-18-24, Code of Alabama 1975, relating to the regulation and licensing of the small loan business; to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contracts; to provide further for the promulgation and interpretation of regulations regarding small loans; and to change the penalty for violation.

was taken up.

SUBSTITUTE OFFERED

Representative Hill offered the following substitute to the bill, H. 693:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, and to repeal Section 5-18-24, Code of Alabama 1975, relating to the regulation and licensing of the small loan business; to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contracts; to provide further for the promulgation and interpretation of regulations regarding small loans; and to change the penalty for violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, are amended to read as follows:

"§5-18-10.

"(a) Annual examinations of licensees. -- At least once each year and at such other time as may be deemed necessary by the supervisor of the bureau of loans, an examination shall be made of the place of business of each licensee and of the loans, transactions, books, papers, and records of ~~such~~ the licensee so far as they pertain to the business licensed under this chapter. As cost of examination, the licensee shall pay to the bureau of loans the actual cost of each examination, the amount of which shall be reasonably prescribed under rules and regulations promulgated by the superintendent of banks; provided, however, the cost for each day of examination by each examiner shall not exceed eight times the average hourly rate for auditing purposes as charged by three recognized certified public accountancy firms in the city of Montgomery, Alabama. In addition thereto, the licensee shall pay as per diem the amount authorized by law for state employees traveling inside the state in the service of the state. All such fees shall be paid into the special fund set up by the state treasury pursuant to ~~section~~ Section 5-2A-20, and used in the supervision and examination of licensees.

"(b) Investigations. -- For the purpose of discovering violations of this chapter or of securing information lawfully required hereunder, the supervisor or his or her duly authorized representatives may at any time investigate the business and examine the books, accounts, papers, and records used therein of (1) any licensee, (2) any other person engaged in the business described in subsection (a) of ~~section~~ Section 5-18-4 or participating in such business as principal, agent, broker, or otherwise and (3) any person who the supervisor has reasonable cause to believe is violating or is about to violate any provisions of this chapter, whether or not ~~such~~ the person shall claim to be within the authority or

beyond the scope of this chapter. For purposes of this section, any person who shall advertise for, solicit, or hold himself out as willing to make loan transactions in the amount or of the value of ~~\$749.00~~ seven hundred forty-nine dollars (\$749) or less shall be presumed to be engaged in the business described in subsection (a) of ~~section~~ Section 5-18-4.

"(c) Access to records; witnesses. -- For the purposes of this section, the supervisor or his or her duly authorized representatives shall have and be given free access to the offices and places of business, files, safes, and vaults of all such persons and ~~shall have authority to~~ may require the attendance of any person and to examine him or her under oath relative to ~~such~~ the loans or ~~such~~ the business or to the subject matter of any examination, investigation, or hearing.

"(d) Cease and desist orders; injunctions; receivers. -- Whenever the supervisor has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he or she may in addition to all actions provided for in this chapter and in addition to all other remedies that he or she may have at law and without prejudice thereto enter an order requiring such person to desist or to refrain from such violation, and an action may be brought on the relation of the attorney general or the supervisor to enjoin ~~such~~ the person from engaging in or continuing ~~such~~ the violation or from doing any act or acts in furtherance thereof. In any ~~such~~ action, an order or judgment may be entered awarding ~~such~~ the preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which ~~such~~ the action is brought shall have the power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of ~~said~~ the property and business. ~~Such~~ The receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up and liquidation of ~~such~~ the property and business as shall from time to time be conferred upon him by the court.

"(e) Reports of examinations and investigations of the supervisor, and the books and records of licensees are to be held strictly confidential, and may not be produced, reproduced, or otherwise made available by the State Banking Department to any persons other than those within the State Banking Department unless pursuant to a lawfully issued subpoena and the licensee, and their respective counsel. This subsection does not apply to disclosures in proceedings brought by the supervisor pursuant to this chapter.

"§5-18-12.

"(a) Rules, regulations, and orders. -- The supervisor shall have authority to make reasonable rules, regulations, and orders for the administration and enforcement of this chapter, in addition hereto and not inconsistent herewith. ~~Such~~ The regulation or order shall be referenced to the section or sections of the chapter

which set forth the legislative standard which it interprets or to which it applies. Every regulation shall be promulgated by an order, and any ruling, demand, requirement or similar administrative act may be promulgated by an order. Every order shall be in writing, shall state its effective date and the date of its promulgation and shall be entered in an indexed permanent book which shall be a public record. A copy of every order promulgating a regulation and of every other order containing a requirement of general application shall be mailed to each licensee at least 10 days before the effective date thereof. The failure of a licensee to receive a copy of the regulations shall not exempt him from the duty of compliance with the valid regulations lawfully issued.

"(b) Certified copies of official documents. -- On application of any person and payment of the costs thereof, the supervisor shall furnish, under his or her seal and signed by him or her or his or her deputy a certified copy of any license, regulation or order. In any court or proceeding, ~~such~~ the copy shall be prima facie evidence of the fact of the issuance of ~~such~~ the license, regulation or order.

"(c) As set forth in Section 5-19-21, the supervisor may promulgate reasonable rules and regulations, consistent with the laws of this state, as may be necessary to carry out the provisions of Chapter 18 of Title 5, and issue written interpretations of consumer finance laws and regulations. The courts of this state shall apply each regulation that becomes effective and each written interpretation that is issued under this subsection, unless the regulation or interpretation is found to be arbitrary and capricious, outside the supervisor's statutory authority, or violative of the Constitution of Alabama of 1901. Any licensee whose practices are consistent with any regulation or written interpretation shall not be liable for any violation of this chapter, or any common-law cause of action directly or indirectly relating to any violation of this chapter, even though the rule, or interpretation thereof, is ruled invalid for any reason by a court of competent jurisdiction.

"§5-18-15.

"(a) Maximum rates of interest and charge. -- Every licensee under this chapter may contract for and receive as interest on any loan of money not exceeding ~~\$749.00~~ seven hundred forty-nine dollars (\$749) an amount at a rate not exceeding three percent a month on that part of the unpaid principal balance not in excess of ~~\$200.00~~ two hundred dollars (\$200), two percent a month on that part of the unpaid principal balance in excess of ~~\$200.00~~ two hundred dollars (\$200) but not exceeding ~~\$749.00~~ seven hundred forty-nine dollars (\$749).

"(b) Charges on loans of seventy-five dollars (\$75) or less. -- On a cash advance of ~~\$75.00~~ seventy-five dollars (\$75) or less a licensee may charge, in lieu of the charges specified in subsection (a) of this section, not in excess of ~~\$1.00~~ one dollar (\$1) for each ~~\$5.00~~ five dollars (\$5) of cash advanced to the borrower, up to the amount of ~~\$75.00~~ seventy-five dollars (\$75), and a period of at least 15 days must be allowed for the repayment of each ~~\$5.00~~ five dollars (\$5) of the cash advanced. ~~Such~~ The charges cannot be assessed by any subterfuge or device on any loan over ~~\$75.00~~ seventy-five dollars (\$75) or on any balance of ~~\$75.00~~ seventy-five dollars or less when the original cash advanced was greater than ~~\$75.00~~ seventy-five dollars (\$75).

"(c) Method of computing charges.

"(1) Interest or charges on loans made under this chapter shall not be paid, deducted, discounted, or received in advance or compounded, but the rate of charge authorized by this section may be precomputed as provided in subdivision (2) of this subsection.

"For the purpose of this section, one month shall be that period of time from any date in a month to a corresponding date in the next month and, if there is not ~~such~~ a corresponding date, then to the next day of the next month, and a day shall be considered one thirtieth of a month when computation is made for a fraction of a month.

"(2) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges or interest combined, the charges or interest may be precomputed at the agreed monthly or periodic rate not in excess of that provided for in subsection (a) or (b) of this section on scheduled unpaid principal balances according to the terms of the contract and added to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this subsection shall not be deemed to constitute payment, deduction or receipt thereof in advance nor compounding under subdivision (1) above.

"(d) Refunds.

"(1) When any loan contract is paid in full by cash, a new loan, renewal, or otherwise one month or more before the final installment date, the licensee shall refund or credit the borrower with that portion of the total charges which shall be due the borrower as determined by schedules prepared under the rule of seventy-eighths or sum of the digits principle as follows: The amount of the refund or credit shall be as great a proportion of the total charges originally contracted for as the sum of the periodic time balances of the contract scheduled to follow the date of prepayment bears to the sum of all the periodic time balances of the contract, both sums to be determined according to the payment schedule originally contracted for.

"(2) If the loan contract is not prepaid in full but becomes partially prepaid in an amount equal to three or more installments, the licensee shall reduce the balance due by the amount that would be required to be refunded for prepayment in full on the date of ~~such~~ the partial prepayment and compute charges as payments are made thereafter in the manner prescribed in subdivision (1) of subsection (c) of this section, or the licensee may with the consent of the borrower reschedule the remaining installments and precompute charges as prescribed in subdivision (2) of subsection (c) of this section.

"(e) Default or extension charges. -- ~~If the contract so provides, the additional charge for any installment past due 15 or more days, whether by reason of default or extension agreement, may be three percent of the installment past due, and said amount may be charged once and no more.~~ If the contract so provides, when a scheduled payment is in default or delinquent for 10 or more days, the licensee may charge and collect an additional late charge not to exceed the greater of ten dollars (\$10) or five percent of the amount of the scheduled payment in default. Each of the late charges permitted under this subsection may be collected only once on any scheduled payment, regardless of the period during which the payment remains in default or is delinquent. It is the intent of this subsection that if the payment date of all wholly unpaid installments is deferred or extended one or more full months and the contract so provides, the licensee may charge and collect a deferment or default charge only on the installment which is delinquent at the date the contract is extended or deferred.

"(f) Rules and regulations. -- In the addition to the general authority granted to him by subsection (a) of ~~section~~ Section 5-18-12, the supervisor ~~shall have power and authority to may~~ make such rules and regulations as he or she may deem necessary or advisable to insure that rebates, default charges, and deferment charges are so computed, paid to or collected from borrowers that the total charges collected by licensees under subdivision (2) of subsection (c) of this section are substantially equivalent to charges authorized to be collected by licensees under subsection (a) or (b) of this section.

"(g) Recording fees. -- The licensee may collect from the borrower the actual fees paid a public official or agency of the state for filing, recording, or releasing any instrument securing the loan.

"(h) Further charges; splitting of contracts; ~~certain contracts void.~~ -- No further or other charges shall be directly or indirectly contracted for or received by any licensee, including insurance premiums of any kind, except those specifically authorized by this chapter. No licensee shall divide into separate parts any contract made for the purpose of or with the effect of obtaining charges in excess of those authorized by this section. All balances due to a licensee from any person as a borrower, or as an endorser, guarantor or surety for any borrower or otherwise, ~~or due from any husband or wife, jointly or severally,~~ shall be considered a part of any loan being made by a licensee to ~~such~~ the person for the purpose of computing charges. ~~If any amount in excess of the charges permitted by this section is charged, contracted for or received, except as the result of an accidental and bona fide error of computation, the contract of loan shall be void and the licensee shall have no right to collect or receive any cash advanced, charges or recompense whatsoever, and the licensee and the several members, officers, directors, agents and employees thereof who shall have participated in such violation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$500.00 and not less than \$100.00 or by imprisonment of not more than six months, or by both such fine and imprisonment in the discretion of the court. Any borrower may recover the full amount of principal and charges paid by him on any contract made in violation of this section, together with a reasonable attorney fee, by an action at law brought within 12 months from the date of the last payment of principal or charges on such contract.~~

"(i) Installment payments; contract period. -- No licensee shall enter into any contract of loan under this chapter in which the borrower agrees to make any scheduled repayment of the cash advance more than 25 calendar months from the date of making ~~such~~ the contract of loan. Every loan contract shall require payment of the cash advance and charges in installments which shall be payable at approximately equal periodic intervals; except, that payment dates may be omitted to accommodate borrowers with seasonal incomes. No installment contracted for shall be substantially larger than any preceding installment.

"(j) Interest after due date of final installment. -- Interest as provided in this section shall not accrue or be recovered or charged on any loan made under this chapter for any longer than six months after the due date of the final installment of principal or interest. After the expiration of said six-month period, interest may be charged at a rate not to exceed eight percent per annum.

"(k) Inducing borrower to become obligated under more than one contract. -- No licensee shall induce or permit any person ~~or any husband and wife, jointly or severally,~~ to become obligated directly or contingently or both under more than one contract of loan ~~made pursuant to this chapter at the same time for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this section.~~ It shall be unlawful for any licensee to evade or attempt to evade this section by inducing a customer to borrow from another loan company in which he ~~or she~~ has a pecuniary interest or with whom he ~~or she~~ has an arrangement for exchange of customers.

"(l) Liabilities of licensees making excess charges. Any licensee making any charge in excess of the amount authorized herein, except as the result of a deliberate violation of or reckless disregard for this chapter, shall upon written demand by the borrower, refund to the borrower the total amount of the excess charge plus an attorney fee set by the court, which at the licensee's option may be done by payment to the borrower, or by reducing the amount of the borrower's principal obligation. If the borrower is entitled to a refund and the licensee refuses to refund within a reasonable time after written demand, the licensee shall forfeit his or her right to any finance charge, and the borrower shall have the right to recover any actual damage sustained by the borrower as the result of a licensee's violation. If the licensee has made an excess charge in deliberate violation of or in reckless disregard for this chapter, the licensee and the several members, officers, directors, agents, and employees thereof who shall have participated in a deliberate violation of or reckless disregard for this chapter, shall be guilty of a misdemeanor which, upon conviction, shall be punishable by a fine of not more than five hundred dollars (\$500) and not less than one hundred dollars (\$100) or by imprisonment of not more than six months, or by both fine and imprisonment in the direction of the court. The remedies provided herein shall be the remedy of the borrower under this chapter as the result of this violation. Any charge imposed by a licensee in excess of charges permitted under Section 5-18-17, shall not be considered an excess charge for the purposes of Section 5-18-15(1). No action under this section may be brought more than 18 months after the due date of the last scheduled payment of the agreement pursuant to which the charge was made.

"§5-18-16.

"(a) Copy of contract or statement; receipts; payment in advance; release of obligation and security. -- Every licensee shall:

"(1) At the time a loan is made deliver to the borrower or, if there are two or more borrowers, to one of them a copy of the loan contract or a written statement in the English language showing in clear and distinct terms:

"a. The name and address of the lender and one of the primary obligors on the loan;_

"b. The date of the loan contract;_

"c. Schedule of installments or description thereof;_

"d. The cash advance;_

"e. The face amount of the note evidencing the loan;_

"f. The amount collected or paid for insurance, if any;_

"g. The amount collected or paid for filing or other fees allowed by this chapter; ~~and~~ _

"h. The collateral or security for the loan.

"(2) Give to the person making any cash payment on account of any loan a receipt at the time ~~such~~ the payment is made which receipt need only show the total amount of ~~such the~~ cash payment. No receipt shall be required in the case of payments made by the borrower's check or money order, and the use of a coupon book system shall be deemed in compliance with this section.

"(3) Permit the payment to be made in advance in any amount on any contract of loan at any time during a licensee's regular business hours.

"(4) Upon repayment of the loan in full, mark plainly every obligation and security signed by any obligor with the word "Paid" or "Cancelled," and release any mortgage, restore any pledge, and cancel and return any note and any assignment given to the licensee.

"(b) Confessions of judgment; incomplete instruments. -- No licensee shall:

"(1) Take any confession of judgment or any power of attorney running to himself or herself or to any third person to confess judgment or to appear for the borrower in a judicial proceeding; nor

"(2) Take any note or promise to pay that does not disclose the total amount to be repaid, a schedule of payments or a description thereof and the agreed rate or aggregate amount of charge, nor any instrument in which blanks are left to be filled in after execution.

"(c) Installments. -- Every loan contract shall provide for repayment of principal and charges at approximately equal periodic intervals of time, which shall be so arranged that no installment is substantially greater in amount than any preceding installment.

~~"(d) Contract in violation of section void. -- Any contract of loan in the making or collection of which any provision of this section shall have been violated, either knowingly or without the exercise of due care to prevent the same, shall be void, and the licensee shall have no right to collect, receive or retain any principal, charges or recompense whatsoever.~~

"(d) Absent other factors, a loan transaction does not create a confidential relationship between the borrower and the licensee nor does it give rise to or create a fiduciary duty on the part of the licensee.

"§5-18-17.

"(a) With respect to any insurance written in connection with any credit transaction under this chapter, the creditor shall be subject to the same restrictions, prohibitions, powers, and allowances as any creditor bank, retail establishment, sales finance company, licensee, or any other creditor under section Section 5-19-20, and shall be subject to the same rates and regulations promulgated pursuant to that section. In no case shall the insurance with respect to any credit transaction exceed the amount financed plus two payments or total of payments, whichever is less, and term of the credit the duration of the contract.

"(b) Insurance sold by a licensee or its agents shall be regulated by the supervisor of the bureau of loans. All such insurance shall be written by a company authorized to conduct business in the state State of Alabama.

"§5-18-21.

~~"In any civil action filed on any debt or evidence of any indebtedness governed hereby in any court, the judge thereof shall not render any judgment by default, nil dicit or otherwise until he has heard the testimony of the licensee or of a representative of such licensee, and the judge must on his own motion interrogate such licensee or such other witness to determine whether there has been any violation of the provisions of this chapter and whether any charges have been contracted for, made or received in excess of the amount allowed under this chapter. If it shall be made to appear that the provisions of this chapter have been violated or that charges in excess of those allowed have been contracted for, made or received, then the action shall be dismissed at the cost of the plaintiff. In any such action the plaintiff must allege that he is a licensee under this chapter;~~

~~and, if such plaintiff is subject to this chapter and fails to allege in his complaint that he is a licensee hereunder or if it is shown to the court that he is subject to this chapter and is not a licensee, then the court ex mere motu shall dismiss the action at the cost of the plaintiff. No garnishment shall issue in such civil action or in connection therewith until after judgment has been entered.~~

"Except where other specific remedies are provided in this chapter for violations, in which event those remedies shall apply, any provision of a loan contract which violates this chapter shall be unenforceable by the licensee to the extent, but only to the extent, of the violation, and the other remaining provisions and agreements shall be enforceable and shall not be void and shall not be affected by the violation. Any licensee who fails to comply with any requirement imposed under this chapter with respect to any person is liable to the person who for the actual damage sustained by the person as the result of the failure."

Section 2. Section 5-18-24, Code of Alabama 1975, is repealed.

Section 3. The provisions of this act shall not in any way repeal, amend, modify, or diminish any right or power to charge and collect charges, fees, or interest existing under any other applicable state or federal statute, nor repeal, amend, or modify Section 5-2A-24, Code of Alabama 1975.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end, the provisions of this act are severable.

Section 5. The provisions of this act amending Section 5-18-15(k) and Section 5-18-17(a), Code of Alabama 1975, confirm, clarify, and are declaratory of existing law; and, except for pending lawsuits, these provisions apply to loan transactions entered into on, before, and after the effective date of this act adding the sections, subsections, or subparts.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hilliard,

Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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AMENDMENT OFFERED

Representative Hill offered the following amendment to the bill, H. 693, as amended:

Page 14, Line 17 strike the following language "plus an attorney fee set by the court"

Page 14, Line 25 insert after the word borrower, the following language "plus an attorney fee set by the court,"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawkins, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance and Warren.

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And the bill:

H. 693. To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, and to repeal Section 5-18-24, Code of Alabama 1975, relating to the regulation and licensing of the small loan business;

to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contracts; to provide further for the promulgation and interpretation of regulations regarding small loans; and to change the penalty for violation.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 684. To further provide for gill net fishing and licensure for hardship cases; to authorize the Department of Conservation and Natural Resources to renew and transfer the licenses; and to provide that this act is cumulative.

TOMMY CARTER
Chairman

And the bill, H. 684, as engrossed, was ordered sent to the Senate.

H. 392 AGAIN TAKEN UP

And the bill, H. 392, as amended, which was previously temporarily carried over was again taken up.

AMENDMENT OFFERED

Representative Turner offered the following amendment to the bill, H. 392, as amended:

On page 2, line 24, after the word "adopted." insert the following: Each county adopting the standards shall increase its county budget for county roads at least 20 percent each fiscal year after the adoption of the standards using the fiscal year of adoption as a base.

MOTION TO TABLE LOST

The motion offered by Representative Clark (W) to table the amendment offered by Representative Turner to the bill, H. 392, as amended, was lost.

Yeas 35; Nays 36.

Yea:

Representatives Bandy, Boyd, Burke, Buskey, Clark (W), Graham, Guin, Hall (L), Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Newton (C), Perdue, Reed, Sanderson, Sims, Spratt, Thomas (J), Townsend and Willis.

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Nay:

Representatives Carns, Carothers, Clouse, Curry, Dolbare, Ford, Gipson, Hall (A), Haney, Hawkins, Hinshaw, Hooper, Jorgensen, Laird, Layson, McKee, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Turner, Turnham, Vance, Warren and Wren.

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MOTION TO TABLE LOST

The motion offered by Representative Clark (W) to table the amendment offered by Representative Turner to the bill, H. 392, was lost.

Yeas 30; Nays 42.

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Yea:

Representatives Bandy, Boyd, Buskey, Clark (W), Graham, Hall (L), Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Mitchell, Newton (C), Perdue, Reed, Sanderson, Sims, Spratt, Thomas (J) and Willis.

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Nay:

Mr. Speaker, Allen, Burke, Carns, Carothers, Clouse, Curry, Dean, Dolbare, Ford, Galliher, Gipson, Guin, Hall (A), Haney, Hinshaw, Hooper, Laird, Layson, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Thomas (D), Townsend, Turner, Turnham, Vance, Warren and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 526. Relating to Russell County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

Also:

H. 627. To amend Section 11-44B-8, Code of Alabama 1975, as follows:

Also:

H. 717. Relating to Franklin County; to provide for the nomination of the Franklin County Superintendent of Education.

Also:

H. 438. Relating to Tuscaloosa County; amending Act No. 328, H. 854, 1959 Regular Session, as amended, which provides for the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, to provide further for the depositories into which funds may be placed.

McDOWELL LEE
Secretary

H. 392 RESUMED**AMENDMENT ADOPTED**

The question was then on the adoption of the amendment offered by Representative Turner to the bill, H. 392, as amended, and the amendment was adopted.

Yeas 46; Nays 28.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gipson, Guin, Hall (A), Hawkins, Hinshaw, Hogan, Johnson (R), Laird, Layson, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Boyd, Graham, Hall (L), Haney, Hayden, Houston, Jackson, Johnson (E), Kennedy, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Newton (C), Penry, Perdue, Reed, Sanderson, Sims, Smith, Spratt and Thomas (J).

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H. 392 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 392, as amended, was temporarily carried over at the request of Representative Clark (W).

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, S. 129, which was previously temporarily carried over was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins,

Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

S. 129. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

was read a third time at length and passed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H.R. 511. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in

the order set forth below, shall be the special and paramount order of business for the Twenty-Sixth legislative day, Thursday, May 2, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the Following bills:

Inst Id	Page
H. 795 (By Layson)	173
Alabama Legislative Club, exempt from all st., co., and mun. sales and use taxes	
H. 925 (By Johnson R)	160
Medicaid Agency, managed care and management information systems, may consider factors other than low price when awarding contracts, approval of HMOs further provided for by Commissioner of Ins. and St. Health Officer, Secs. 22-6-7, 41-16-27 am'd.	
H. 527 (By Buskey)	174
Franklin Memorial Clinic, Inc., exempt from mun. gross receipts and business license taxes	
H. 55 (By Dukes)	18
Municipalities, police jurisdiction, levy of license taxes and sales and use taxes, costs calculation, procedure to terminate services and tax, Sec. 11-51-91 am'd.	
H. 80 (By Fuller)	91
Public Schools and school sponsored organizations, sales by exempt from sales and use taxes if sales are for the school's benefit	
H. 981 (Parker T)	
H. 428 (By Newton D)	26
Nuisances, abatement of drug-related, procedures, penalties	

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S. 270 (By Biddle) 29

Military Dept., deletion of references to cert. grades of officers, Sec. 31-2-60 am'd.

H. 667 (By Fuller) 131

Utilities, gross receipts tax, cert. natural gas excluded, Secs. 40-21-83, 40-21-103 am'd.

H. 603 (By Dukes) 62

Foreign corporations, dividend deduction, taxation alt., Sec. 40-18-35 am'd.

S. 464 (By Freeman) 69

Building contractors licensing bd., Secs. 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, 34-8-28 am'd.

H. 124 (By Fuller) 68

Bail, distrib. of forfeitures in st. cases, one-half to co. where defendant was charged, Secs. 15-13-130, 15-13-131 am'd.

H. 641 (By Warren) 64

Jackson, Lauderdale, St. Clair Cos., bds. of registrars, membs'. working days incr., Sec. 17-4-156 am'd.

H. 863 (By Fuller) 135

Children, Missing Children Bureau renamed Missing and Exploited Children Bureau, Secs. 26-19-1, 26-19-2, 26-19-3, 26-19-4 am'd.

H. 930 (By Box) 170

Corporations, domestic, deductions for cert. capital stock, alt., retroactive effect, Sec. 40-14-70 am'd.

H. 737 (By McMillan) 144

Revenue Dept., division chiefs, comp., Sec. 40-2-24 repealed

H. 538 (By Hooper)	202
Alabama State Defense Force, distinctive motor vehicle license plates, issue procedure, fee, duties to Revenue Dept.	
H. 839 (By Haney)	126
Income tax liability, businesses that may qualify, group expanded, refined oil and gas included, Sec. 40-9B-3 am'd.	
H. 670 (By Gaines)	136
Hoover City Schools Foundation, sales and use tax exempt	
H. 564 (By Lindsey)	53
Farmers' Market Authority, duties, membs., funds, alt., Secs. 2-5-1, 2-5-2, 2-5-14, 2-5-16 am'd.	
H. 944 (By Galliher)	163
Service contracts, reg. for consumer protection, reimbursement insurance policies, reg., Ins. Commissioner to administer and promulgate rules and regs.	
H. 358 (By McMillan)	18
Public works, competitive bid law revised, Secs. 39-1-1 to 39-1-3, 39-2-1 to 39-2-6, 39-2-8 to 39-2-13, 39-3-1, 39-3-4, 39-5-1 to 39-5-6, 41-16-20, 41-16-50 am'd., Secs. 39-3-2, 39-3-3, 41-16-1, 41-16-80 to 40-16-82 repealed	
H. 378 (By Morrison)	88
Distinctive license plates, price reduced for retired or active educators to purchase, spouse of retired or active educator may purchase, distinct. license plates for Masons auth., Sec. 32-6-302 am'd.	
H. 653 (By Johnson R)	94
Foster family homes, emergency approval by Human Resources Dept. auth., Sec. 38-7-5 am'd.	
H. 625 (By Hall L)	63
Health benefit plans, primary care physicians, to include OB-GYN, no referral req.	

On motion of Representative Ford, the resolution, H.R. 511, was adopted.

Also:

By Representative Morton:

H.J.R. 512. URGING AND SUPPORTING THE LOCATING OF PROPOSED BASS THEME PARK IN JEFFERSON COUNTY.

WHEREAS, the Birmingham/Jefferson County area is in fierce competition with Daytona Beach, Florida, and Sevierville, Tennessee, for providing a site for the development of a new Bass Anglers Sportsman Society (BASS) theme park and the relocation of its corporate headquarters; and

WHEREAS, BASS sponsors and operates major fishing tournaments, manages fishing clubs, publishes outdoor magazines, and produces a television show on bass fishing; and

WHEREAS, the development will include a theme park, shopping center, and an office park housing the BASS corporate headquarters and would employ about 750 persons on the proposed site near the I-459/I-20 interchange; and

WHEREAS, the Metropolitan Development Board, which has been engaged in a series of negotiations and discussions with BASS officials, meets again this week with BASS and USX-US Steel Corporation to consider the 200-acre site; and

WHEREAS, in addition to other incentives, the City of Birmingham has offered to build a new \$50 million zoo adjacent to the proposed facility; and the State of Alabama may provide an interstate exit for the proposed facility; and

WHEREAS, the economic base of Jefferson County would be greatly enhanced by, and the citizens of the state and the Birmingham/Jefferson County area would enthusiastically support, the proposed new BASS theme park; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support and urge the locating of the proposed new BASS theme park in Jefferson County, Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to BASS Incorporated, as an indication of our strong sentiment on this issue.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Morton, the rules were suspended in order to take up for immediate consideration the foregoing resolution, H.J.R. 512.

RESOLUTION ADOPTED

On motion of Representative Morton, the resolution, H.J.R. 512, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, H. 1006, was adopted.

Yeas 30; Nays 1.

Yea:

Representatives Black (M), Burke, Clouse, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Murphree, Newton (C), Rogers (M), Sanderford, Sanderson, Sims, Spratt and Willis.

-30

Nay:

Representative Papucci.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1006. Relating to Madison County; to authorize the Director of the Madison County License Department to charge and collect a fee not to exceed \$2.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (M), Burke, Buskey, Carothers, Clark (W), Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morton, Murphree,

**REGULAR SESSION
26th Day**

2563

Newton (C), Parker (P), Parker (T), Perdue, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable and Willis.

-58

Nay:

Representative Papucci.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hayden, the Budget Isolation Resolution relating to the bill, H. 982, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Rogers (M), Sanderford, Sims, Spratt, Turner, Turnham, Vance, Venable and Willis.

-55

And the bill:

H. 982. Relating to Marengo County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Marengo County Commission to levy a two mill ad valorem tax for fire protection.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 983, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carothers, Clouse, Collins, Curry, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McClammy, Melton, Millican, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-55

And the bill:

H. 983. Relating to Cherokee County; to amend Section 1 of Act No. 87-433 of the 1987 Regular Session (Acts 1987, p. 643), to increase the fee for the issuance of pistol permits deposited in the Sheriff's Law Enforcement Fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Dukes, Flowers, Galliher, Gipson, Graham, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-57

Nay:

Representative Gaines.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 992, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-61

And the bill:

H. 992. Relating to Etowah County; providing for costs to be imposed on each person incarcerated into the Etowah County jail; and providing for distribution of the revenues to be derived from the additional court costs.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, McDaniel, Melton, Millican, Minnifield, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 993, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, Millican, Minnifield, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Perdue, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-59

And the bill:

H. 993. Relating to Etowah County; providing for additional compensation for the sheriff.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Curry, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, Millican, Minnifield, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Perdue, Petelos, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-56

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 1012, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Curry, Dukes, Gaines, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R),

Jorgensen, Knight (A), Knight (J), Lindsey, Millican, Minnifield, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-53

And the bill:

H. 1012. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coosa County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Petelos, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-69

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gipson, the Budget Isolation Resolution relating to the bill, H. 1013, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dukes, Gaines, Gipson, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, McDaniel, Millican, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos,

Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-54

And the bill:

H. 1013. Relating to Autauga County; to levy a special fire protection tax in certain areas of the county; to provide for certain exemptions from the tax; to provide for the collection and distribution of funds derived from the tax; to provide for the expending and accounting of the funds; to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department; to provide that the county shall be immune from certain liability; and to provide for a referendum on this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dukes, Gaines, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniell, Millican, Minnifield, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, S. 341, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dukes, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniell, McKee, Melton, Millican, Minnifield, Murphree,

Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-61

And the bill:

S. 341. Relating to DeKalb County; providing for an advisory referendum on the question of whether the members of the county board of education shall be elected from districts.

was read a third time at length and passed.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dukes, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-63

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, S. 342, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dolbare, Dukes, Gaines, Gaston, Gipson, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, Willis and Wren.

-62

And the bill:

S. 342. Relating to DeKalb County; providing for an advisory election on the question of whether the members of the county commission shall be elected from districts.

was taken up.

SUBSTITUTE OFFERED

Representative Burke offered the following substitute to the bill, S. 342:

A BILL TO BE ENTITLED AN ACT

Relating to DeKalb County; providing for an advisory referendum on the election of members of the county commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In DeKalb County, an advisory referendum shall be held at the 1996 General Election. On the ballots used at the election, the propositions to be voted on shall be stated substantially as follows:

"(1) Do you favor the enactment of a local law authorizing the members of the DeKalb County Commission to be elected from districts in which they reside? Yes ___ No ___."

"(2) Do you favor the enactment of a local law realigning the county commission to provide for the election of two commissioners from districts and chairman elected at-large? Yes ____ No ____"

The results of the referendum shall be certified by the Judge of Probate of DeKalb County and forwarded to each member of the DeKalb County Commission and each member of the DeKalb County Legislative Delegation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dolbare, Dukes, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Murphree, Papucci, Parker (T), Payne, Perdue, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-58

And the bill S. 342, as amended, was again read a third time at length and passed.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Curry, Dukes, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 964, was adopted.

Yeas 37; Nays 1.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Gipson, Guin, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, McAdory, McClammy, McKee, Melton, Minnifield, Murphree, Papucci, Perdue, Sims, Spratt, Thomas (J), Turner, Vance, Willis and Wren.

-37

Nay:

Representative Millican.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 964. (With Amendments): Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of properly licensed retailers serving the general public in the city.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 5 to the bill, H. 964, said committee amendment being as follows:

Amend H. 964 on Page 1, Section 1, Line 19 by striking after the word "resolution" the following: ~~passed~~ and inserting in lieu thereof, the following: pass

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clark (W), Gipson, Graham, Guin, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Kennedy, Knight (J), Lindsey, McAdory, McClammy, McKee, Melton, Minnifield, Murphree, Papucci, Perdue, Sims, Spratt, Thomas (J), Turner, Vance, Willis and Wren.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 5 to the bill, H. 964, as amended, said committee amendment being as follows:

On page 1, on lines 15 and 21, after the word "Sunday" insert the following language: , after the hour of 1:00 P.M.,

AMENDMENT TABLED

On motion of Representative Knight (J), the committee amendment #2 was tabled.

Yeas 30; Nays 0.

Yea:

Mr. Speaker, Black (L), Boyd, Burke, Buskey, Carothers, Clark (W), Gipson, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, McKee, Murphree, Papucci, Rogers (M), Sims, Spratt, Thomas (J), Turner, Vance, Willis and Wren.

-30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO REMOVE FROM TABLE ADOPTED

Having voted on the prevailing side by which the amendment #2 reported by the Standing Committee on Local Legislation No. 5 to the bill, H. 964, as amended was tabled, Representative Knight (J) offered the motion to remove the amendment #2 from the table, and the motion was adopted.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 5 to the bill, H. 964, as amended, and the committee amendment #2 was adopted.

Yeas 30; Nays 0.

Yea:

Mr. Speaker, Black (L), Boyd, Burke, Buskey, Carothers, Clark (W), Gipson, Guin, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, McKee, Melton, Papucci, Rogers (M), Sims, Spratt, Thomas (J), Turner, Vance, Willis and Wren.

-30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Local Legislation No. 5 to the bill, H. 964, as amended, said committee amendment being as follows:

On page 1, after line 24, insert the following language as a new Section 2 and renumber existing Sections 2 and 3 accordingly:

Section 2. Section 1 of this act shall become operative only if approved by a majority of the qualified electors of the City of Montgomery who vote in an election to be held on the day designated by the Judge of Probate of Montgomery County. The notice of the election shall be given by the judge of probate, and the election shall be held, conducted, and the results canvassed in the manner as other city elections. The election shall be held in conjunction with the next regularly scheduled state or local election to be held in the city. The question shall be, "Do you favor the adoption of Act No. ____, of the 1996 Regular Session of the Alabama Legislature which authorizes the city council to permit the sale and consumption of alcoholic beverages on Sunday? Yes () No ()." The city shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are "Yes," Section 1 of this act shall become operative immediately. If the majority of the votes are "No," this act shall be repealed and shall have no further effect. The Judge of Probate of Montgomery County shall certify the results of the election to the Secretary of State.

AMENDMENT TABLED

On motion of Representative Knight (J), the amendment #3 reported by the Standing Committee on Local Legislation No. 5 to the bill, H. 964, as amended, was tabled.

Yeas 31; Nays 0.

Yea:

Mr. Speaker, Black (L), Boyd, Burke, Buskey, Carothers, Clark (W), Gipson, Guin, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, McKee, Melton, Papucci, Rogers (M), Sims, Spratt, Thomas (J), Turner, Vance, Willis and Wren.

-31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Sims inadvertently voted "Yea" and intended to vote "Nay" on adoption of the amendment #3 reported by the Standing Committee on Local Legislation No. 5 to the bill, H. 964, as amended.

And the bill:

H. 964. Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday, after the hour of 1:00 P.M., upon the licensed premises of properly licensed retailers serving the general public in the city.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 30; Nays 5.

Yea:

Mr. Speaker, Black (L), Burke, Buskey, Clark (W), Gipson, Guin, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Murphree, Papucci, Perdue, Rogers (M), Sims, Spratt, Thomas (J), Turner, Vance and Willis.

-30

Nay:

Representatives Collins, Gaines, McDaniel, Payne and Thomas (D).

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S.J.R. 79 TAKEN UP

And the resolution:

S.J.R. 79. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF PROGRAMS TO ASSIST CITIZENS WHO SUFFER FROM DEMENTIA.

and the pending substitute reported by the Standing Committee on rules on the twenty-fifth legislative day were taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, and on motion of Representative Carter, the substitute was adopted.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, S.J.R. 79, as amended, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 84. PROVIDING FOR A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 2, 1996, TO OBSERVE THE 1996 NATIONAL DAY OF PRAYER.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 84.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 437. DECLARING THE INTENT OF THE LEGISLATURE TO EXCLUDE VOLUNTEER FIRE CHIEFS FROM THE FILING AND DISCLOSURE REQUIREMENTS IN ACT NO. 95-194.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it was the intent of the Legislature when it enacted Act No. 95-194, 1995 Regular Session, which amended the code of ethics for public officials and public employees, to exclude chiefs of volunteer fire departments from the filing and disclosure requirements in the act.

MOTION TO ADOPT OFFERED

Representative Carter offered the motion to adopt the resolution, H.J.R. 437.

H.J.R. 437 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the resolution, H.J.R. 437, and the motion to adopt were temporarily carried over.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 493. DESIGNATING 1997 AS THE YEAR OF THE AMERICAN INDIAN IN ALABAMA AND PROVIDING FOR THE USE OF THIS DESIGNATION.

WHEREAS, the Alabama Indian Affairs Commission, the seven tribes recognized by the State of Alabama, museums, and other interested entities and individuals have demonstrated an interest in showcasing Alabama's Native American culture; and

WHEREAS, these Indian tribes, state organizations, museums, and individuals have come together to organize a year-long presentation of cultural events to take place throughout the state; and

WHEREAS, the State of Alabama has a rich background in its American Indian culture; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That 1997 is designated as "Year of the American Indian in Alabama."

BE IT FURTHER RESOLVED, That this designation will be used in conjunction with cultural events scheduled throughout the state during 1997 as approved by the Year of the Alabama Indian Project Committee.

On motion of Representative Carter, the resolution, H.J.R. 493, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 494. COMMENDING CORENE NICHOLS PHILLIPS OF CENTER, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, Corene Nichols Phillips is indeed an exemplar of compassion and concern for others whose good and selfless deeds on behalf of her fellow man, and whose sense of responsibility to the good and well-being of her community are worthy of highest commendation and widespread public recognition; and

WHEREAS, for some 25 years, Mrs. Phillips has served as secretary to the president of Wallace State Community College in Hanceville, Alabama, and, over her long and dedicated tenure, has discharged her duties and responsibilities with utmost efficiency, dedication, and commitment, earning the highest regard of co-workers, peers, and associates alike; and

WHEREAS, in addition to career responsibilities, she has been equally as committed in service to her community and to others through her volunteer support as a member of the Cullman County Red Cross and in numerous other charitable and worthy endeavors; and

WHEREAS, of particular note, Mrs. Phillips played a vital role in obtaining visas for the Golovkina family of Russia, enabling them to bring their sick daughter to America for medical treatment; and

WHEREAS, raised in the Center community of Cullman County, Corene Nichols Phillips was one of four children born to Gordon and Carrie Nichols; she is married to Jim Phillips and is the proud mother of one daughter, Julie; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the community and to others, we hereby most highly commend Mrs. Corene Nichols Phillips of Center, Alabama, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 494, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 455. URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO EVALUATE CAREFULLY THE POTENTIAL HEALTH IMPACT AND ECONOMIC BENEFIT PURSUANT TO ADOPTING OZONE STANDARDS.

WHEREAS, the United States Environmental Protection Agency (EPA) has the responsibility to review periodically the National Ambient Air Quality Standard (NAAQS) for ozone to ascertain if the standard is sufficiently protective of human health; and

WHEREAS, the EPA is currently reviewing the NAAQS for ozone; and

WHEREAS, the State of Alabama, through its citizens, its legislative bodies, and its regulatory agencies, has worked in good faith to diligently reduce air pollution and to meet clean air requirements; and

WHEREAS, Alabama's air quality has improved and continues to improve as a result of applying the existing ozone standard of 0.12 ppm; and

WHEREAS, lowering the NAAQS for ozone could expand the number of nonattainment areas and result in emissions controls not only in Jefferson and Shelby Counties, but also in Lawrence, Morgan, Limestone, Madison, Autauga, Elmore, and Montgomery Counties; and

WHEREAS, lowering the NAAQS for ozone could thus impose significant economic, administrative, and regulatory burdens on the citizens, businesses, and local governments of those counties; and

WHEREAS, state agencies would likely be forced to devote substantial resources to developing new state implementation plans if the NAAQS ozone standard is lowered from the existing 0.12 ppm baseline by the EPA; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge and advise the United States Environmental Protection Agency (EPA) in its review of the National Ambient Air Quality Standard for ozone to thoroughly evaluate the potential incremental health impacts and benefits, economic costs, and consequences, including unfunded mandates on the State of Alabama, for the range of options to modify the ozone standard, including retaining the existing 0.12 ppm standard.

BE IT FURTHER RESOLVED, That we urge the EPA to identify any unfunded mandates or other administrative burdens for state, county, or local government, or agencies that would result from changes to the National Ambient Air Quality Standard for ozone.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Executive Director of the United States Environmental Protection Agency, each member of the Alabama delegation to the United States Congress, and to the federal agency personnel listed below:

The Honorable Carol M. Browner
Administrator
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

The Honorable Sally Katzen
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Old Executive Office Building
17th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20503

Dr. Laura D'Andrea Tyson
Assistant to the President for Economic Policy
The White House
Washington, D.C. 20500

The Honorable Fred J. Hansen
Deputy Administrator
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

The Honorable Mary D. Nichols
Assistant Administrator for Air and Radiation
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

On motion of Representative Carter, the resolution, H.R. 455, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Willis inadvertently voted "Yea" and intended to vote "Nay" on passage of the bill, H. 964, as amended.

RESOLUTION

The following resolution was introduced:

By Representative Knight (A):

H.J.R. 513. REQUESTING THE DEPARTMENT OF TRANSPORTATION TO MAKE BIBB COUNTY ROAD 12 A STATE HIGHWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the State Department of Transportation to convert and maintain as a state highway Bibb County Road 12 from U. S. Highway 11 to Shelby County.

RESOLVED FURTHER, That a copy of this resolution be sent to the Director of the Department of Transportation for consideration of this request.

On motion of Representative Knight (A), the rules were suspended and the resolution, H.J.R. 513, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 526. Relating to Russell County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

Also:

H. 627. To amend Section 11-44B-8, Code of Alabama 1975, as follows:

Also:

H. 717. Relating to Franklin County; to provide for the nomination of the Franklin County Superintendent of Education.

Also:

H. 438. Relating to Tuscaloosa County; amending Act No. 328, H. 854, 1959 Regular Session, as amended, which provides for the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, to provide further for the depositories into which funds may be placed.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 795, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, Melton, Millican, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

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And the bill:

H. 795. To exempt the Alabama Legislative Club from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 925, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance and Willis.

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And the bill:

H. 925. To amend Sections 22-6-7 and 41-16-27 of the Code of Alabama 1975, relating to the Alabama Medicaid Agency and the awarding of contracts, to further provide for the award of management information system contracts and other contracts to administer Medicaid based on factors other than the lowest bid; to provide that the Alabama Medicaid Agency may consider factors other than the lowest bid and to provide for the procedures when awarding contracts related to Medicaid managed care service delivery systems; and to further provide for the evaluation of modifications by health maintenance organizations and applicants to be approved as health maintenance organizations when submitted by prospective managed care service providers to the Alabama Medicaid Agency.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 788. To amend Section 6 of Act No. 95-564, H. 539, 1995 Regular Session, to clarify and confirm the ability of a foreign corporation doing business in Alabama to petition the Alabama Department of Revenue to utilize any other method which effectuates an equitable apportionment of the actual amount of capital employed in this state by the foreign corporation; and to provide for a retroactive effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Haney, the House concurred in and adopted the Senate amendment to the bill, H. 788, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-14-41 of the Code of Alabama 1975 and Section 6 of Act No. 95-587, H. 867, 1995 Regular Session, to clarify and confirm the ability of a foreign corporation doing business in Alabama to petition the Alabama Department of Revenue to utilize any other method which effectuates an equitable determination of the actual amount of capital employed in this state by the foreign corporation; and to provide for a retroactive effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-14-41, Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-14-41.

(a) Amount of levy. - Every corporation organized under the laws of any other state, nation, or territory and doing business in this state, except strictly benevolent, educational, or religious corporations, shall pay annually to the state an annual franchise tax of three dollars (\$3) on each one thousand dollars (\$1,000) of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title prima facie be held to be doing business in Alabama. However, in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of twenty-five dollars (\$25).

(b) Definition of capital. - The total capital of such foreign corporation, herein referred to as the "taxpayer," shall equal the aggregate net amount of the following items determined in accordance with Generally Accepted Accounting Principles appropriate in the particular case, as promulgated by the Financial Accounting Standards Board or a similar or successor agency or board, unless otherwise defined in this article:

(1) The outstanding capital stock and any additional paid-in capital, whether positive or negative, but excluding the taxpayer's cost of its treasury stock.

(2) Retained earnings, whether positive or negative, which shall include any amounts designated for the payment of dividends until the amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand.

(3) The amount of bonds, notes, debentures, or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year, but not including deposit liabilities of banks and other financial institutions as defined by state or federal law.

(4) The amount of bonds, notes, debentures, or other evidences of indebtedness, but not including deposit liabilities of banks and other financial institutions as defined by state or federal law, maturing and payable at the time to: (i) any individual stockholder owning directly or indirectly 10 percent or more of the outstanding capital stock of the taxpayer, or (ii) another corporation owning more than 50 percent of the outstanding capital stock of the taxpayer, or (iii) another corporation more than 50 percent of the outstanding capital stock of which is owned by the taxpayer, unless the other corporation referred to in clause (ii) or (iii) is also required to pay a franchise tax to the State of Alabama.

(5) The amount reasonably required to adjust the depreciable or amortizable property accounts for any rapid, excessive, or unreasonable depreciation or amortization charges, so as to restore the depreciable or amortizable property accounts, for franchise tax purposes, to original cost less depreciation or amortization computed on the basis of the useful life of the property to the taxpayer.

(c) Determination of capital employed in state. - The actual amount of capital employed by the taxpayer in this state shall then be determined by apportioning the total capital of the taxpayer, as defined above, to Alabama in accordance with regulations promulgated by the Department of Revenue appropriate in the particular case, except that if the apportionment formula prescribed by the regulations and otherwise applicable to the taxpayer would not fairly represent the actual amount of the capital of the taxpayer employed in this state, then the taxpayer may petition for or the department may require, if reasonable, any one of the following:

(1) The exclusion of any one or more of the three standard factors plus the cost-of-manufacturing component;‡

(2) The inclusion of one or more additional factors which fairly represents the taxpayer's actual amount of capital employed in this state.‡ or

(3) The employment of any other method, including, without limitation, the method commonly referred to as the summation method, to which effectuate effectuates an equitable apportionment determination of the actual amount of the taxpayer's capital employed to in this state. However, in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama Public Service Commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of its tangible property located in this state and its intangible property employed in the conduct of its business in this state.

(d) Exclusions and deductions.

(1) There shall be excluded from the amount of capital as determined in subsection (b) of this section the investment by the taxpayer in the capital of other corporations organized under the laws of Alabama, or under the laws of any other

state if such other corporations also pay a franchise tax to the State of Alabama, unless the taxpayer is a dealer in stocks or securities.

(2) Except as provided in subdivision (3), in addition to any other applicable exclusions, in the case of any taxpayer, there shall be excluded from the amount of capital as determined in subsection (b), the investment by the taxpayer in the capital of any other corporation that does not pay a franchise tax to the State of Alabama if the taxpayer owns more than 50 percent of the outstanding capital stock of the other corporation, unless the other corporation is dormant and not regularly engaged in one or more business activities.

(3) In addition to any other applicable exclusions, in the case of any bank or bank holding company, there shall be excluded from the amount of capital as determined in subsection (b) as subsection (b) provided prior to the enactment of Act 95-564, the investment by the bank or bank holding company in the capital of any other corporation that does not pay a franchise tax to the State of Alabama if the bank or bank holding company owns more than 50 percent of the outstanding capital stock of the other corporation, unless the other corporation is dormant and not regularly engaged in one or more business activities. A corporation shall not be deemed dormant and shall be considered regularly engaged in one or more business activities, if the corporation owns, directly or indirectly, more than 50 percent of the outstanding capital stock of another corporation regularly engaged in one or more business activities. A corporation shall be deemed to directly or indirectly own more than 50 percent of another corporation if both corporations would be part of a controlled group of corporations as defined in 26 U.S.C. Section 1563 if a 50 percent ownership requirement is applied in lieu of the 80 percent ownership requirement in 26 U.S.C. Section 1563.

(4) There shall be deducted from the amount of capital employed in this state as determined in accordance with subsections (b) and (c) of this section, the following amounts:

a. The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law.

b. The amount invested by the taxpayer in bonds or other securities issued by the State of Alabama, or any county, municipality, or other political subdivision of the State of Alabama, or any public corporation organized under the laws of the State of Alabama, unless the corporation is a dealer in securities.

c. The amount invested by the taxpayer in all devices, facilities, or structures, and all identifiable components or materials for use therein, acquired or constructed primarily for the control, reduction, or elimination of air or water pollution.

d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and components including, but not limited to, all aircraft replacement parts, components, systems, supplies, and sundries affixed or used on an aircraft, and ground support equipment and vehicles used by or for the aircraft, when used by a certified or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate, or foreign commerce for transporting people or property by air. For the purpose of this paragraph, the words "hub operation within this state" shall be construed to have all of the following criteria:

1. There originate from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year.

2. Passengers or property, or both, are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier."

Section 2. Section 6 of Act No. 95-564, H. 539, 1995 Regular Session, is hereby amended to read as follows:

"Section 6. Except as provided for in the following sentence, this act shall be effective for all taxable years or periods beginning after December 31, 1995, provided that it is passed and approved by the Governor, or otherwise becomes a law. The amendments to Section 40-14-41(b), Code of Alabama 1975, relating to the use of the Generally Accepted Accounting Principles in the determination of total capital and useful lives of assets, the amendments to Section 40-14-41(c), Code of Alabama 1975, relating to the employment of any other method which effectuates an equitable determination of the actual amount of the taxpayer's capital employed in this state, and the amendments to Section 40-14-41(d)(2), Code of Alabama 1975, relating to an exclusion for an investment in certain corporations that do not pay a franchise tax to the State of Alabama, are retroactively effective for all open tax years."

Section 3. The provisions of this act shall have retroactive effect to all open tax years.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy,

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McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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RESOLUTION

The following resolution was introduced:

By Representatives Venable and Laird:

H.J.R. 514. CREATING THE CLAY-COOSA COUNTIES JAIL STUDY COMMISSION.

The resolution, H.J.R. 514, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Buskey offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 527.

MOTION TO ADJOURN LOST

The motion offered by Representative Minnifield that the House adjourn until 1:00 o'clock p.m., Tuesday, May 7, 1996, was lost.

Yeas 7; Nays 48.

Yea:

Representatives Black (L), Dolbare, Gipson, Graham, Hawkins, Minnifield and Turner.

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Nay:

Mr. Speaker, Allen, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Knight (A), Lindsey, McDaniel, McKee, McMillan, Melton, Millican,

Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance and Venable.

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SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Buskey to the bill, H. 527, and the Budget Isolation Resolution was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, Melton, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

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And the bill:

H. 527. To exempt the Franklin Memorial Clinic, Inc., from municipal gross receipts taxes and municipal business license taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy,

REGULAR SESSION
26th Day

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McDaniel, Melton, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Vance, Venable and Willis.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Dukes offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 55.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 511, the time to debate the bill, H. 55, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 80, was adopted.

Yeas 71; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 80. To exempt from the state sales and use taxes sales by certain schools or school sponsored organizations if the proceeds from the sales are used for the benefit of the school.

was taken up.

AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 80:

To amend H. 80 as substituted on page 2 line 6 by adding after "1975," the following: "and any county and municipal sales and use taxes"

Further amend the bill on page 1, on lines 16 and 24 by adding after the word "state" the following: ", county and municipal".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 80. To exempt from the state, county and municipal sales and use taxes sales by certain schools or school sponsored organizations if the proceeds from the sales are used for the benefit of the school.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E),

Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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CO-SPONSOR ADDED

Representative Payne was added as co-sponsor to the bill, H. 80, as amended.

H.J.R. 437 LOST

The question was then on the motion offered by Representative Carter to adopt the resolution, H.J.R. 437, and the resolution was lost.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 693. To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, and to repeal Section 5-18-24, Code of Alabama 1975, relating to the regulation and licensing of the small loan business; to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contracts; to provide further for the promulgation and interpretation of regulations regarding small loans; and to change the penalty for violation.

TOMMY CARTER
Chairman

And the bill, H. 693, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 981, was adopted.

Yeas 64; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carothers, Clouse, Collins, Crigler, Curry, Dean, Fuller, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Carns, Dolbare, Millican, Mitchell and Payne.

- 5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 84. PROVIDING FOR A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 2, 1996, TO OBSERVE THE 1996 NATIONAL DAY OF PRAYER.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 341. Relating to DeKalb County; providing for an advisory referendum on the question of whether the members of the county board of education shall be elected from districts.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 129. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 981 TAKEN UP

And the bill:

H. 981. To amend Section 32-6-19 of the Code of Alabama 1975, relating to the imposition of a penalty for driving with a cancelled, suspended, or revoked driver's license; to provide for the impoundment of a motor vehicle operated by a person whose driver's license or driving privilege has been cancelled, suspended, or revoked for driving while convicted of driving under the influence of a controlled substance; to provide an exception for certain emergencies; to provide the procedure for the impoundment; to provide immunity to the law enforcement officer; create a lien on the vehicle on behalf of the towing company; and to repeal Article 9A, Chapter 5A of the Code of Alabama 1975, the "Safe Streets Act of 1995."

was taken up.

SUBSTITUTE OFFERED

Representative Parker (T) offered the following substitute to the bill, H. 981:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-6-19 of the Code of Alabama 1975, relating to the imposition of a penalty for driving with a cancelled, suspended, or revoked driver's license; to provide for the impoundment of a motor vehicle operated by a person whose driver's license or driving privilege has been cancelled, suspended, or revoked for driving while convicted of driving under the influence of a controlled substance; to provide an exception for certain emergencies; to provide the procedure for the impoundment; to provide immunity to the law enforcement officer; create a lien on the vehicle on behalf of the towing company; and to repeal Article 9A, Chapter 5A of Title 32 of the Code of Alabama 1975, the "Safe Streets Act of 1995."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-19 of the Code of Alabama 1975, is amended to read as follows:

"§32-6-19.

"(a) Any person whose driver's or chauffeur's license issued in this or another state or whose driving privilege as a nonresident has been cancelled, denied, suspended, or revoked as provided in this article and who drives any

motor vehicle upon the highways of this state while ~~such the~~ license or privilege is cancelled, ~~denied~~, suspended, or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ~~\$100.00~~ one hundred dollars (\$100) nor more than ~~\$500.00~~ five hundred dollars (\$500), and in addition thereto may be imprisoned for not more than 180 days. Also, at the discretion of the ~~director of public safety~~ Director of Public Safety, ~~such the~~ person's license may be revoked for an additional revocation period of six months.

"(b) Notwithstanding any provision of law, a person who operates a motor vehicle upon the highways of this state while his or her driver's license or driving privilege is revoked, suspended, or cancelled pursuant to a conviction for driving under the influence of a controlled substance or alcohol, for failure to comply with the implied consent law of this state, or who has been adjudicated a delinquent child or a youthful offender based on an offense that if the person had been an adult would have been a conviction of driving under the influence of a controlled substance or alcohol or failure to comply with the implied consent law, shall be immediately removed from the vehicle. The vehicle, regardless of ownership or possessory interests of the operator or person present in the vehicle, shall be impounded by any duly sworn law enforcement officer. If there is an emergency or medical necessity jeopardizing life or limb, the law enforcement officer may elect not to impound the vehicle.

"(c) (1) The law enforcement officer making the impoundment shall direct an approved towing service to tow the vehicle to the towing services' garage, storage lot, or other place of safety and maintain custody and control of the vehicle until the registered owner or authorized agent of the registered owner claims the vehicle by paying all reasonable and customary towing and storage fees for the services of the towing company. The vehicle shall then be released to the registered owner or an agent of the owner.

(2) Any law enforcement officer who, pursuant to this section, causes any motor vehicle to be removed from the highway to a garage, storage lot, or other place of safety, shall not be liable except for willful and wanton misconduct.

(3) Any towing service or towing company removing the vehicle at the direction of the law enforcement officer in accordance with this section shall have a lien on the motor vehicle for all reasonable and customary fees relating to the towing and storage of the motor vehicle."

Section 2. Article 9A (commencing with Section 32-5A-200) of Chapter 5A of Title 32 of the Code of Alabama 1975, is repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 981. To amend Section 32-6-19 of the Code of Alabama 1975, relating to the imposition of a penalty for driving with a cancelled, suspended, or revoked driver's license; to provide for the impoundment of a motor vehicle operated by a person whose driver's license or driving privilege has been cancelled, suspended, or revoked for driving while convicted of driving under the influence of a controlled substance; to provide an exception for certain emergencies; to provide the procedure for the impoundment; to provide immunity to the law enforcement officer; create a lien on the vehicle on behalf of the towing company; and to repeal Article 9A, Chapter 5A of Title 32 of the Code of Alabama 1975, the "Safe Streets Act of 1995."

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, S. 270, was adopted.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-78

And the bill:

S. 270. (With Amendment): To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration to the bill, S. 270, said committee amendment being as follows:

Amend S. 270, Page 2, Section 1, Line 17, after the word "applicable{" by striking the comma;

Further amend S. 270, Page 4, Section 1, Line 5, after the word "general" by striking the word of

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-77

And the bill, S. 270, as amended, was read a third time at length and passed.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-78

BUDGET ISOLATION RESOLUTION OFFERED

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 667.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 511, the time to debate the bill, H. 667, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

H. 603 TAKEN UP

And the bill:

H. 603. To amend Section 40-18-35(a)(14), Code of Alabama 1975, to provide for a dividends received deduction and rules relating to taxing foreign source income; to provide further conformity with federal income tax law; and to provide an effective date.

and the pending substitute offered by Representative Dukes on the twenty-third legislative day were taken up.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Dukes to the bill, H. 603, and the substitute was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-74

And the bill:

H. 603. To add a new Section 40-18-35(a)(15), Code of Alabama 1975, to provide for a dividends received deduction for certain dividends received or deemed received by corporations commercially domiciled outside Alabama; and to provide an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-75

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, S. 464, was adopted.

Yeas 68; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representatives Dolbare, Guin and McKee.

- 3

And the bill:

S. 464. To amend Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28 of the Code of Alabama 1975, relating to the contractors licensing board; to further define the term general contractor; to provide for the licensing of subcontractors; to remove the require-

ment that the Governor may remove a board member at any time; to provide further for licensing fees, disciplinary procedures and fines, advertisements for bids, notice of meetings, compensation and expenses of members of the board, and certain allocations to public institutions of higher learning; and to provide for penalties.

was taken up.

AMENDMENT OFFERED

Representative Turnham offered the following amendment to the bill, S. 464:

On page 13, delete lines 22 to 24, inclusive, in their entirety and insert in lieu thereof:

construction of any residence or private dwelling; a subcontractor performing work under a properly licensed general contractor, except a subcontractor who contracts with a licensed general contractor for the purpose of continuing to work after having been found to be working illegally as an unlicensed general contractor, and a person, firm, or corporation

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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AMENDMENT OFFERED

Representative Laird offered the following amendment to the bill, S. 464, as amended:

On page 17, delete lines 21 to 24, inclusive, and insert in lieu thereof the following: shall receive ~~\$50~~ one hundred dollars (\$100) per day for attending

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-68

And the bill, S. 464, as amended, was read a third time at length and passed.

Yeas 70; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-70

Nay:

Representative McKee.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 964. Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday, after the hour of 1:00 P.M., upon the licensed premises of properly licensed retailers serving the general public in the city.

TOMMY CARTER
Chairman

And the bill, H. 964, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 124.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 511, the time to debate the bill, H. 124, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

H. 641 TAKEN UP

And the bill:

H. 641. (With Substitute): To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

and the pending substitute offered by Representative Warren to the substitute reported by the Standing Committee on Constitution and Elections on the sixteenth legislative day were taken up.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Warren to the committee substitute to the bill, H. 641, and the substitute was adopted.

Yeas 59; Nays 1.

Yea:

Mr. Speaker, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hill, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Venable and Willis.

-59

Nay:

Representative Baker.

- 1

AMENDMENT OFFERED

Representative Papucci offered the following amendment to the bill, H. 641, as amended:

On page 2, line 4, strike through the word "Limestone".

On page 2, line 24, after the language "Jackson," add the following: Lime-
stone

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher,

**REGULAR SESSION
26th Day**

2607

Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hill, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 641. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 1.

Yea:

Representatives Allen, Baker, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-64

Nay:

Representative Mitchell.

- 1

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 981. To amend Section 32-6-19 of the Code of Alabama 1975, relating to the imposition of a penalty for driving with a cancelled, suspended, or revoked

driver's license; to provide for the impoundment of a motor vehicle operated by a person whose driver's license or driving privilege has been cancelled, suspended, or revoked for driving while convicted of driving under the influence of a controlled substance; to provide an exception for certain emergencies; to provide the procedure for the impoundment; to provide immunity to the law enforcement officer; create a lien on the vehicle on behalf of the towing company; and to repeal Article 9A, Chapter 5A of Title 32 of the Code of Alabama 1975, the "Safe Streets Act of 1995."

TOMMY CARTER
Chairman

And the bill, H. 981, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 80. To exempt from the state, county and municipal sales and use taxes sales by certain schools or school sponsored organizations if the proceeds from the sales are used for the benefit of the school.

TOMMY CARTER
Chairman

And the bill, H. 80, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners in Psychology until October 1, 1997.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 306. To amend Article I of Chapter 4 of Title 37 of the Code of Alabama 1975, by adding a new Section 37-4-30 which would empower the Public Service Commission or Circuit Court, as appropriate, to review private contracts for electric services to existing electric customers for the purpose of determining whether the private contract is consistent with the public interest and to require the existing customer to reimburse any utility (which, for purposes of this paragraph, include utilities, utility board, electric boards and improvement authorities) currently providing service to an existing customer seeking to obtain electric service pursuant to a private contract for any stranded costs associated with the transfer of the existing electric customer's service; to provide that these stranded costs shall mean all verifiable costs or obligations incurred by a utility in order to provide service to electric customers in the area served by the utility that cannot actually be recovered through mitigation upon the transfer of the existing electric customer to another supplier, and include, but are not limited to, costs of investment in generating, transmission and distribution facilities; obligations for purchased power, fuel and transmission charges; costs of assets required to be capitalized under utility accounting principles; and other fixed costs incurred by the utility to provide service; to provide for the use of commissioners in certain instances; to provide for appeals from the Circuit Court to the Supreme Court directly; to provide for severability, and to provide for the cessation and termination of the provisions of the act upon the occurrence of all of the following events: (1) the enactment of legislation that provides in a comprehensive manner for retail electric service competition in this state and surrounding states; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electric customers; (3) elimination of the obligation of utilities to plan for and provide service; and (4) imposition of the same taxes on sales to existing customers by a non-utility at the rates applicable to sales by the utility presently serving the existing customer.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 306, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 2nd day of May, 1996.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 306, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE BILL NUMBER 306:

Please amend Senate Bill No. 306 on page 13, lines 8 through 19 by deleting Section 3. in its entirety and inserting in lieu thereof the following replacement:

Section 3. This act shall cease and terminate upon the occurrence of all of the following events: (1) the enactment of legislation that authorizes retail electric service competition for existing customers of electric utilities in this state, or Georgia, or Florida, or Mississippi; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electric customers; and (3) elimination of the obligation of utilities to plan for and provide generating capacity or energy for all customers. In any event this act shall cease and terminate no later than five years following the adoption by the federal government or the State of Alabama of provisions for retail electric competition by all utilities in Alabama under circumstances where the utilities' obligation to provide generating capacity or energy to all customers has been eliminated. In addition, this act shall cease and terminate five years after the adoption by the state of Georgia, Florida, or Mississippi of comprehensive retail wheeling applicable to all retail customers in such other state, provided (1) provision is made in Alabama (other than under the terms of this act) for recovery of stranded costs by utilities upon the transfer of existing electric customers, and (2) the obligation of utilities in Alabama to provide generating capacity or energy to all customers has been eliminated.

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

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26th Day

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Done on this the 2nd day of May, 1996.

Respectfully,

FOB JAMES, JR.
Governor

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, SB 306, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 31, Nays 0.

And said Bill, SB 306, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 306, said Governor's amendment being set out in the foregoing Message from the Senate.

Yeas 83; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 429. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in and the Cities of Hartselle and Falkville and that area of the City of Decatur located within the boundaries of Morgan County.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 863, was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 863. To amend Sections 26-19-1, 26-19-2, 26-19-3, and 26-19-4 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Missing and Exploited Children Bureau; and to provide that the bureau would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 863:

Representatives Allen, Baker, Bandy, Black (M), Burke, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Turnham, Vance and Willis.

H. 930 TAKEN UP

And the bill:

H. 930. To amend Section 40-14-70, Code of Alabama 1975, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 737, was adopted.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 737. (With Substitute): To repeal Section 40-2-24 of the Code of Alabama 1975, which requires Department of Revenue Division Chiefs to receive salaries of Attorney III supervisor.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 737, said committee substitute being as follows:

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A BILL
TO BE ENTITLED
AN ACT

To repeal Section 40-2-24 of the Code of Alabama 1975, which requires Department of Revenue Division Chiefs to receive salaries of Attorney III supervisor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-2-24 of the Code of Alabama 1975, is repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-81

And the bill:

H. 737. To repeal Section 40-2-24 of the Code of Alabama 1975, which requires Department of Revenue Division Chiefs to receive salaries of Attorney III supervisor.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 538, was adopted.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 538. (With Amendment): Providing distinctive motor vehicle license tags or plates for members of the Alabama State Defense Force; providing for the fees for these tags or plates and for the disposition of the fees; and providing for a delayed effective date.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 538, said committee amendment being as follows:

Amend H. 538 on page 3, line 5 after the word "plates" by adding the following: ", less cost of production and administration,".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 538. Providing distinctive motor vehicle license tags or plates for members of the Alabama State Defense Force; providing for the fees for these tags or plates and for the disposition of the fees; and providing for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton,

Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Haney offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 839.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 511, the time to debate the bill, H. 839, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Gaines offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 670.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 511, the time to debate the bill, H. 670, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

H. 564 TAKEN UP

And the bill:

H. 564. To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; and provide further for the duties and funds of the authority.

was taken up.

SUBSTITUTE OFFERED

Representative Lindsey offered the following substitute to the bill, H. 564:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; and provide further for the duties and funds of the authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, are amended to read as follows:

"§2-5-1.

"There ~~shall be~~ is established in the state of Alabama a farmers' market authority with powers and duties to establish agricultural markets to prevent waste and to provide marketing facilities for farm produce, including fruits, vegetables, nuts, truck crops, feeder pigs, and other agricultural commodities, ~~and such~~. The authority is authorized and directed to may procure by purchase, lease, rent, gift, or otherwise, ~~as in its discretion it may see fit~~, necessary market sites in this state on which to conduct farmers' markets.

"The Notwithstanding Article 3 of Chapter 15 of Title 9, the farmers' market authority is also authorized, with, upon the approval of the governor, to may grant, bargain, sell, and convey all its right, title, and interest in any market which it has established and any facility ~~which it has installed therein in any market~~ or in connection ~~therewith~~ with any market upon ~~such~~ terms and conditions as it deems expedient; ~~provided, that such~~. The authority, however, shall not execute a deed of conveyance to such any market and market facilities, including the land on which it is located, until it has received payment in full of an amount sufficient to reimburse it for the expenses incurred in acquiring the land, erecting any buildings thereon, and installing any facilities thereto appertaining; provided further, that the No deed of conveyance shall be executed until the grantee shall agree agrees to continue to operate the market for the benefit of growers of fruits and vegetables and feeder pigs agricultural producers in the area then being served by the market, as long as this need continues to exist, pursuant to such rules and regulations relative to the operation thereof of operation as are prescribed by the farmers' market authority and stipulated in the contract and deed of sale.

"In the event a market is no longer needed to serve the agriculture community as stipulated by the Farmers' Market Authority, the authority, as a means to recoup to the extent possible all moneys expended by the authority in establishing the market, shall obtain a certified appraisal of the market, advertise for four weeks that the market will be sold at public auction or sealed bid on a certain date, and sell the market at public auction or sealed bid with the authority reserving the right to accept or reject any or all bids, and no sale shall be executed without the approval of the Governor.

"No sale shall be made by the Farmers' Market Authority without a complete and full recitation of the facts and reasons for the sale being spread on the minutes of the authority and in a certificate signed by the chair certifying to the Governor that the stated facts and reasons are true to the best of his or her knowledge and belief.

"§2-5-2.

"The farmers' market authority shall consist of the commissioner of agriculture and industries by virtue of his or her office and eight nine members, at least one from each congressional district, and two at-large, of which one shall be of a minority race and one of the female gender, appointed by the governor. Persons selected for membership on the farmers' market authority shall be directly connected with agriculture by virtue of devoting a majority of their business activity to the production, processing, or distribution of agricultural products. The members shall be appointed by the governor of Alabama and confirmed by the state senate, and each member will continue to serve until a successor has been appointed by the Governor and confirmed by the Senate. with In the initial appointment, of two three members to shall serve a six-year term, three members to serve a four-year term, and three members to serve a two-year term, and thereafter each member shall serve a six-year term. Any ex officio members of the board shall be classified as nonvoting members. The members of the authority shall elect a chairman and vice chairman chair and vice-chair from among their own number.

"§2-5-14.

"All funds collected under the provisions of this chapter shall be deposited in the state treasury to the credit of a special fund for the use of the farmers' market authority and shall be used solely for maintenance, repairs, and capital outlay for markets and market facilities, for payment of other expenses of operations as approved by the authority, and for liquidation of costs of construction of such the markets and facilities. The farmers' market authority, upon approval by a majority of the members of the authority, may also authorize grants for the benefit of agriculture economies to markets and other agricultural-oriented facilities in the state of Alabama not constructed or owned by the farmers' market authority for repair and maintenance of such facilities. Such The funds shall be paid out on warrants drawn by the state comptroller on the state treasury, upon the authorization of the administrator of the farmers' market authority.

"§2-5-16.

"To assure the liquidation of the costs incurred in the installation of facilities at farmers' markets, the farmers' market authority is hereby authorized to enter into contracts, whereby persons who desire space or facilities at ~~such~~ the markets may lease ~~such~~ the facilities or space as necessary for their operation for a term not exceeding 20 years. ~~Such~~ The contract or lease or both shall contain provisions for the termination of ~~such~~ the contract or lease, or both, upon the breach of the conditions therein or upon the failure to comply with the rules and regulations promulgated by the authority. The venue of any action resulting from the termination of such a lease or contract, or both, shall be either in Montgomery ~~county~~ County or the county in which ~~such~~ the market is located."

Section 2. The Farmers' Market Authority is exempted from the requirements of Act 95-280, now appearing as Article 3, commencing with Section 9-15-70, of Chapter 15 of Title 9, Code of Alabama 1975.

Section 3. The provisions of this act are severable. If any section, paragraph, sentence, clause, provision, or portion of the act herein may be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 66; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dolbare, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Newton (C), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

Nay:

Representatives McKee and Thomas (D).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners in Psychology until October 1, 1997.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 306. To amend Article I of Chapter 4 of Title 37 of the Code of Alabama 1975, by adding a new Section 37-4-30 which would empower the Public Service Commission or Circuit Court, as appropriate, to review private contracts for electric services to existing electric customers for the purpose of determining whether the private contract is consistent with the public interest and to require the existing customer to reimburse any utility (which, for purposes of this paragraph, include utilities, utility board, electric boards and improvement authorities) currently providing service to an existing customer seeking to obtain electric service pursuant to a private contract for any stranded costs associated with the transfer of the existing electric customer's service; to provide that these stranded costs shall mean all verifiable costs or obligations incurred by a utility in order to provide service to electric customers in the area served by the utility that cannot actually

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be recovered through mitigation upon the transfer of the existing electric customer to another supplier, and include, but are not limited to, costs of investment in generating, transmission and distribution facilities; obligations for purchased power, fuel and transmission charges; costs of assets required to be capitalized under utility accounting principles; and other fixed costs incurred by the utility to provide service; to provide for the use of commissioners in certain instances; to provide for appeals from the Circuit Court to the Supreme Court directly; to provide for severability, and to provide for the cessation and termination of the provisions of the act upon the occurrence of all of the following events: (1) the enactment of legislation that provides in a comprehensive manner for retail electric service competition in this state and surrounding states; (2) provision in such legislation or in regulations that provide in this state for the recovery of stranded costs by utilities upon the transfer of existing electric customers; (3) elimination of the obligation of utilities to plan for and provide service; and (4) imposition of the same taxes on sales to existing customers by a non-utility at the rates applicable to sales by the utility presently serving the existing customer.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 564 RESUMED

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, H. 564, as amended:

Starting on page 3, line 5 with amendment the bill will read as follows:

After the word markets, strike the period & add the following: marketing facilities ~~for where farm produce products~~, including fruits, vegetables, nuts, truck crops, ~~feeder pigs~~, and other agricultural commodities may be displayed or exhibited in order to encourage the buying and selling of such commodities, and to encourage the public interest, thus promoting goodwill between the rural and urban sectors of the state of Alabama.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-76

Nay:

Representative Murphree.

- 1

And the bill:

H. 564. To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; and provide further for the duties and funds of the authority.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 3.

Yea:

Representatives Allen, Baker, Bandy, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representatives McKee, Morrison and Murphree.

- 3

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 944, was adopted.

Yeas 73; Nays 0.

Yea:

Representatives Baker, Bandy, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 944. Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and others with obligations related to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

was taken up.

AMENDMENT OFFERED

Representative Galliher offered the following amendment to the bill, H. 944:

On page 3, line 22, after the word "by" delete the remainder of the sentence and lines 23 and 24 in their entirety and insert in lieu thereof the following: electric, gas, water, or telephone utilities.

On page 4, lines 12 and 13, after the word "of" delete "one hundred dollars (\$100)" and insert in lieu thereof the following: two hundred fifty dollars (\$250)

On page 20, line 17, after the figure "3" delete "(b)" and insert in lieu thereof the following: (c)

On page 22, line 12, after the figure "3" delete "(b)" and insert in lieu thereof the following: (c)

On page 23, line 2, after the word "January" delete the figure "2" and insert in lieu thereof the following: 1

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-76

And the bill:

H. 944. Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to

provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and others with obligations related to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 86. To make certain statutory changes to the Board of Examiners in Psychology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-26-21, 34-26-40, and 34-26-41, Code of Alabama 1975, relating to the board, so as to exempt public board members from the nomination process in filling vacancies on the board; and to provide further for qualifications of applicants and exempted groups.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 86, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 30th day of April, 1996.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 86, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE BILL NUMBER 86:

Please amend Senate Bill No. 86 on page 8, line 16, after the word "any" and before the word "doctoral" by inserting the words applicant with a.

Further amend on page 8, on lines 17 and 18, after the word "degree" by striking ~~applicant who is otherwise qualified without examination~~ and inserting in lieu thereof, in psychology who is otherwise qualified pursuant to subsections (a) and (b) (1) - (6) of this section.

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 30th day of April, 1996.

Respectfully,

FOB JAMES, JR.
Governor

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And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, SB 86, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, SB 86, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carothers, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 86, said Governor's amendment being set out in the foregoing Message from the Senate.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 393. DESIGNATING MAY 4, 1996, AS SAMUEL JENKINS, SR., DAY.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Clark (W), the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 393, said Senate amendment being as follows:

On page 1, line 19, after the language "Association" insert the following: -International Longshoremen's Association Pension, Welfare and Vacation ("M.S.S.A.-I.L.A.") Plans

On page 2, lines 14 and 15, delete the language "M.S.A. Retirees' Pension Plan" and insert in lieu thereof the following: M.S.S.A.-I.L.A. Pension, Welfare and Vacation Plans,

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 122, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

BILL FULLER
JOHNNY CURRY
JOHN F. KNIGHT

Conferees on the Part of the House

DEWAYNE FREEMAN
CHIP BAILEY
HANK SANDERS

Conferees on the Part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$7,738,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Trust Fund of \$3,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation of \$3,800,000 from the Department of Corrections Special Revenue Fund and a supplemental appropriation of \$2,161,000 from the Correctional Industries Revolving Fund to the

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Department of Corrections for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation from the Voter Registration Fund of \$50,000 to the Voter Registration Identification Program for the fiscal year ending September 30, 1996; to reduce the appropriation made in Act 95-740, Section 2D 9 and to provide further for the use of the remaining appropriated funds; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the following state agencies, the following amounts from the State General Fund for the fiscal year ending September 30, 1996:

- a. Department of Human
Resources..... 1,600,000

The above appropriation shall be used only for adult day care services and for serving non-welfare, low income working families currently on the waiting list for the subsidized child care program and shall not be used to supplant or decrease any existing state support or other state funding for the subsidized child care program.

- b. Department of Veterans
Affairs..... 400,000

- c. Department of Youth
Services..... 2,300,000

O f t h e a b o v e appropriation, the sum of \$300,000 shall be used by the Department for the Wilderness Camp program and of the above appropriation, at least \$775,000 shall be used to fund the C.I.T.Y. Program.

d.	Historic Blakeley Authority.....	188,000
e.	Alabama Development Office.....	160,000
f.	Alabama Department of Economic and Community Affairs.....	750,000
g.	Examiners of Public Accounts.....	300,000
h.	Ft. McClelland Reuse and Redevelopment Authority. .	150,000
i.	Alabama Forestry Commission for Volunteer Fire Departments.....	500,000

All monies received by the Forestry Commission for Volunteer Fire Departments or Rural Fire Protection, from whatever source, must be used for those purposes and an accounting of same shall be filed with both houses of the Legislature before the third Legislative day of each regular session. A plan to notify legislators of the funds to be granted to the Volunteer Fire Departments, prior to the distribution of such funds, shall also be filed with both houses of the Legislature.

j.	Department of Agriculture and Industries.....	700,000
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Of the above appropriation the sum of \$350,000 shall be expended for operations of the Department and \$350,000 shall be expended for the Diagnostic Laboratory at Auburn University.

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k. Commission on Aging..... 200,000

To provide additional
funding for the Medicaid
Waiver Program.

l. Unified Judicial System..... 350,000

To be expended for the
judgeships created
pursuant to Acts 90-539,
91-640 and 93-882.

m. Court of Civil Appeals..... 140,000

Section 2. In addition to any and all other funds heretofore or hereafter appropriated to the Department of Mental Health and Mental Retardation, there is hereby appropriated from the Special Mental Health Trust Fund, the amount of \$3,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996.

Section 3. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Forestry Commission Fund to the Alabama Forestry Commission the sum of \$1,500,000 for the fiscal year ending September 30, 1996.

Section 4. There is appropriated from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the Institutional Services Program the sum of \$3,800,000 and from the Correctional Industries Revolving Fund in the State Treasury for the Correctional Agriculture and Industries Program the sum of \$2,161,000 for the fiscal year ending September 30, 1996. The appropriations made in this act are in addition to any and all other funds heretofore or hereafter appropriated to the Department of Corrections.

Section 5. In addition to any and all other appropriations made heretofore or hereafter to the Voter Registration Identification Program, there is also hereby appropriated from the Voter Registration Fund the sum of \$50,000 for the fiscal year ending September 30, 1996.

Section 6. All other laws to the contrary notwithstanding, the appropriation made in Act 95-740, Section 2D 9 as the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, is hereby reduced by the amount of \$1,500,000. It is further the intent of the Legislature that of the appropriation made in contemplation of Section 41-4-94, Code of Alabama 1975, an amount no greater than \$100,000 shall be expended for legal expenses incurred by the Office of the President of the Senate or the Office of the Lieutenant Governor.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Fuller, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 122, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 67; Nays 6.

Yea:

Representatives Bandy, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Curry, Dolbare, Flowers, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Gaines, McKee, Moore, Sanderson, Seibenhener and Thomas (D).

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CO-SPONSOR ADDED

Representative Kennedy was added as co-sponsor to the resolution, H.J.R. 393.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 538. Providing distinctive motor vehicle license tags or plates for members of the Alabama State Defense Force; providing for the fees for these tags or plates and for the disposition of the fees; and providing for a delayed effective date.

TOMMY CARTER
Chairman

And the bill, H. 538, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 603. To add a new Section 40-18-35(a)(15), Code of Alabama 1975, to provide for a dividends received deduction for certain dividends received or deemed received by corporations commercially domiciled outside Alabama; and to provide an effective date.

TOMMY CARTER
Chairman

And the bill, H. 603, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 641. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

TOMMY CARTER
Chairman

And the bill, H. 641, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 737. To repeal Section 40-2-24 of the Code of Alabama 1975, which requires Department of Revenue Division Chiefs to receive salaries of Attorney III supervisor.

TOMMY CARTER
Chairman

And the bill, H. 737, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 86. To make certain statutory changes to the Board of Examiners in Psychology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-26-21, 34-26-40, and 34-26-41, Code of Alabama 1975, relating to the board, so as to exempt public board members from the nomination process in filling vacancies on the board; and to provide further for qualifications of applicants and exempted groups.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 429. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in and the Cities of Hartselle and Falkville and that area of the City of Decatur located within the boundaries of Morgan County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 393. DESIGNATING MAY 4, 1996, AS SAMUEL JENKINS, SR., DAY.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 788. To amend Section 40-14-41 of the Code of Alabama 1975 and Section 6 of Act No. 95-587, H. 867, 1995 Regular Session, to clarify and confirm the ability of a foreign corporation doing business in Alabama to petition the Alabama Department of Revenue to utilize any other method which effectuates an equitable determination of the actual amount of capital employed in this state by the foreign corporation; and to provide for a retroactive effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 564. To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; and provide further for the duties and funds of the authority.

TOMMY CARTER
Chairman

And the bill, H. 564, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 944. Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and others with obligations related to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

TOMMY CARTER
Chairman

And the bill, H. 944, as engrossed, was ordered sent to the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 9:47 A.M. on May 2, 1996.

H.J.R. 473

Delivered to the Governor at 3:45 P.M. on May 2, 1996.

H. 526

H. 627

H. 717

H. 438

Delivered to the Secretary of State at 6:50 P.M. on May 2, 1996.

H. 429 (CONSTITUTIONAL AMENDMENT)

Delivered to the Governor at 6:52 P.M. on May 2, 1996.

H. 788

H.J.R. 393

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Galliher, the House adjourned until 1:00 o'clock p.m., Tuesday, May 7, 1996.

Yeas 27; Nays 19.

Yea:

Mr. Speaker, Baker, Buskey, Carns, Curry, Dean, Dolbare, Galliher, Graham, Guin, Hall (L), Haney, Hawkins, Hayden, Hinshaw, Hogan, Jackson, McKee, Morton, Murphree, Papucci, Payne, Perdue, Seibenhener, Townsend, Turner and Vance.

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Nay:

Representatives Burke, Carothers, Crigler, Flowers, Fuller, Gaines, Gipson, Hill, Hilliard, Johnson (R), Knight (A), McMillan, Millican, Pringle, Sanderson, Smith, Thomas (D), Turnham and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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27th Day

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TWENTY-SEVENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, May 7, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Bud Brainerd, Memorial Presbyterian Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bridgett Helms, 11th Grade, Muscle Shoals High School, Muscle Shoals, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-sixth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-sixth legislative day was dispensed with.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 431. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Russell County and the cities and towns of the county.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 122. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$7,738,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Trust Fund of \$3,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation of \$3,800,000 from the Department of Corrections Special Revenue Fund and a

supplemental appropriation of \$2,161,000 from the Correctional Industries Revolving Fund to the Department of Corrections for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation from the Voter Registration Fund of \$50,000 to the Voter Registration Identification Program for the fiscal year ending September 30, 1996; to reduce the appropriation made in Act 95-740, Section 2D 9 and to provide further for the use of the remaining appropriated funds; and to provide for an effective date.

And said Bill, HB 122, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE
Secretary

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns on Thursday, May 9, 1996, it adjourns to meet again at 10:00 o'clock a.m. on Monday, May 20, 1996, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 64. COMMEMORATING THE LIFE OF JAMES BOYD MEADOWS, JR., OF ALABASTER, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 64.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 87. MOURNING THE DEATH OF STAFF SERGEANT ROBERT FARRINGTON, JR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 87.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 501. URGING THE STATE OF ALABAMA TO ENFORCE ITS PROMPT PAYMENT STATUTE.

WHEREAS, Section 41-16-3, Code of Alabama 1975, provides that all contracts in which the State of Alabama is a party shall be timely executed; and

WHEREAS, this statute provides further that when a party to a contract with the State of Alabama has fully executed his or her responsibilities pursuant to the contract, or portion of the contract for which payment has been promised, and the amount due pursuant to the contract is not in dispute, payment shall be made within 30 days; and

WHEREAS, it is the obligation of the State of Alabama, and every agency and department thereof, to abide by this prompt payment statute by ensuring that all contracts are paid according to the law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the enforcement of the prompt payment statute.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to every agency and department of the State of Alabama so that they may be made aware of their obligations.

On motion of Representative Carter, the resolution, H.J.R. 501, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 502. MOURNING THE DEATH OF DELOSS WALKER OF MEMPHIS, TENNESSEE.

WHEREAS, a source of deep sorrow to the Alabama Legislature is the lamentable death of Deloss Walker, a native of O'Kean, Arkansas, on February 28, 1996, at the age of 64 years; and

WHEREAS, Dean of Memphis Advertising and Father of Southern Politics, Mr. Walker was the son and grandson of Baptist ministers, and attended Williams Baptist College in Walnut Ridge, Arkansas; he served his country with honor in the Korean War, winning the distinguished Bronze Star during the battle of Heartbreak Ridge; and

WHEREAS, founder and chairman of Walker and Associates, and founder of Memphis Advertising Federation, Mr. Walker's personal passion and expertise was politics, winning 77 of the 90 political campaigns he directed; his distinguished political clients included Alabama's present Governor Fob James, former Georgia Governor Joe Frank Harris, and former United States Senator Al Gore, Jr., to name a few; and

WHEREAS, among Mr. Walker's most memorable civic accomplishments was the Memphis Development Foundation and refurbishment of the Orpheum Theater; he also was founder of Abilities Unlimited, chaired two NFL sell-out drives, and was instrumental in beginning a Ronald McDonald House in Memphis; and

WHEREAS, other successful leadership endeavors by Mr. Walker include the American Cancer Society and Lung Association, Memphis Symphony, and the Chickasaw Council of the Boy Scouts, among many others; and

WHEREAS, he was the recipient of numerous local and national awards, including the Public Relations Society of America's Communicator of the Year for 1984 and AdFed's Silver Medal Award in 1987; and

WHEREAS, Deloss Walker is survived by his beloved wife, Ceil; four proud children, Carla, Curtis, Deloss Thomas, and Cecilia; and three loving grandchildren; and other family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Deloss Walker, and extend our deepest sympathy to his family, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 502, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 503. COMMENDING THE JUNIOR AND SENIOR CIVITAN CLUBS OF THE ALABAMA CENTRAL DISTRICT ON HOSTING THE SIXTEENTH ANNUAL CONVENTION OF JUNIOR CIVITAN INTERNATIONAL.

WHEREAS, Governor Jill Copeland and members of the 24 Junior Civitan Clubs and Governor Lee Martin and members of the Senior Civitan Clubs of the Alabama Central District of Civitan International have prepared to host the Sixteenth Annual Convention with over 600 Junior Civitans from more than 500 National and International Junior Civitan Clubs around the world meeting in Birmingham, Alabama, June 27-30, 1996; and

WHEREAS, the Junior and Senior Civitan Club members have given tirelessly of themselves in many youth activities and under the able leadership and talents of Emily Hodges, Mary Luck, Lynne Wilson, Marline Townsend, many other Junior and Senior Civitan Club members have devoted extraordinary time, energy, and resources to make the Sixteenth Annual Convention of Junior Civitan International a memorable experience for all participants and guests; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the members of the Junior and Senior Civitan Clubs of the Alabama Central District of Civitan International on hosting the Sixteenth Annual Convention of Junior Civitan International and on showing the participants Alabama hospitality at its finest.

BE IT FURTHER RESOLVED, That copies of this resolution be provided to Junior Civitan Governor Jill Copeland, Governor Lee Martin, Emily Hodges, Mary Luck, Lynne Wilson, and Marline Townsend for appropriate presentation and display so that all members of the Alabama Central District, Junior and Senior Civitan Clubs, may know of our deep esteem, pride, and appreciation.

On motion of Representative Carter, the resolution, H.J.R. 503, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 506. REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ALLOW THE DISPLAY OF OLYMPIC FLAGS, BANNERS, AND INSIGNIAS.

WHEREAS, the Summer Games of the 23rd Olympiad will be hosted in Atlanta this year, marking the 100th anniversary of the playing of the modern games; and

WHEREAS, hundreds of thousands of Olympic fans will travel to and through the state to attend this universal event; and

WHEREAS, in the spirit of national pride and international good will, Alabama citizens are encouraged to join in the Olympic celebration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request the Alabama Department of Transportation to allow the display of official Olympic flags, banners, and insignias along the Olympic route and at other sites across the state in support of the 1996 Summer Olympic Games, to the extent that such displays and the locations of the displays do not create a public safety hazard and are approved by the Department of Transportation.

RESOLVED FURTHER, That a copy of this resolution be sent to the Director of the Alabama Department of Transportation for consideration of this request.

On motion of Representative Carter, the resolution, H.J.R. 506, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 510. CONGRATULATING THE UNIVERSITY OF ALABAMA GYMNASTICS TEAM ON ITS 1996 NCAA GYMNASTICS CHAMPIONSHIP.

WHEREAS, the University of Alabama Gymnastics Team won the 1996 NCAA Gymnastics Championship on April 26, 1996, posting the highest national championship score ever; and

WHEREAS, the University of Alabama Gymnastics Team has established a tradition of excellence, winning NCAA Championships in 1988, 1991, and 1996; Southeastern Conference Championships in 1988, 1990, and 1995; and 13 NCAA Regional Championships; and

WHEREAS, the University of Alabama Gymnastics Team is the only team in the nation to finish in the "Final Four" at the NCAA Gymnastics Championships in each of the last 12 years; and

WHEREAS, University of Alabama gymnasts have excelled academically as well as athletically, leading the Southeastern Conference with seven gymnasts earning Academic All-SEC honors in 1996 and a total of 60 earning Academic All-SEC since the program began; and

WHEREAS, University of Alabama gymnasts' commitment to academic excellence has been rewarded with six NCAA and five SEC postgraduate scholarships over the last 10 years; and

WHEREAS, University of Alabama gymnasts have earned a total of 11 NCAA Individual Titles, including three in 1996; and

WHEREAS, 26 University of Alabama gymnasts have earned 86 first team All-America honors over the last 15 years, including six gymnasts earning nine honors in 1996; and

WHEREAS, University of Alabama Gymnastics Coaches Sarah and David Patterson have built the Crimson Tide gymnastics team from a small struggling program in 1978 into a national leader, and have never had a losing season; and

WHEREAS, the University of Alabama Gymnastics Team has garnered the support of thousands of loyal fans, and has attracted an average of 9,301 fans to each home meet in 1996, including a record crowd of 13,563, the highest single meet total in the nation in 1996; and

WHEREAS, attendance at the 1996 NCAA Championships on the University of Alabama campus reached 36,573 over three days, setting an NCAA Championship record; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and honor the University of Alabama Gymnastics Team, and Coaches Sara and David Patterson for their substantial contributions to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coaches Sara and David Patterson for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 510, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 514. CREATING THE CLAY-COOSA COUNTIES JAIL STUDY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Clay-Coosa Counties Jail Study Commission. The commission shall consist of the Circuit Judge of the 40th Judicial Circuit who shall serve as chair; the District Judges of Clay and Coosa Counties; the District Attorney of the 40th Judicial Circuit; the sheriffs of each county; and three members of the Clay County Commission and three members of the Coosa County Commission selected by majority vote of their respective county commissions.

The study commission shall study: The feasibility of a joint county jail; plans and location of such a facility; methods of financing both construction and operation of the jail; and other issues pertaining to a joint county jail to serve both Clay and Coosa Counties.

The chair shall call the initial meeting before July 1, 1996, and the study commission shall report its findings to the legislative delegations of the two counties and the respective county commissions no later than January 1, 1997, at which time the study commission shall stand dissolved.

No county funds shall be expended unless approved by the respective county commissions. The commission may request necessary clerical help from the respective county commissions.

A copy of this resolution shall be sent to each county commission and to each member of the study commission named herein.

On motion of Representative Carter, the resolution, H.J.R. 514, was adopted.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1040. To reappropriate, for fiscal years 1995-96 and 1996-97, all unexpended and unencumbered monies previously appropriated to the Education Technology Fund under Act 94-673 and the fiscal year 1994-95 appropriation made in Act 95-650; to reduce the fiscal year 1995-96 appropriation to the Education Technology Fund made in Act 95-650; to provide for the use of the reappropriated funds; and to provide for an effective date.

H. 284. To exempt the Bethel-Ensley Action Task, Incorporated from the payment of all state, county, and municipal sales and use taxes.

H. 945. To exempt the United Cerebral Palsy and its affiliates from the payment of all state, county, and municipal sales and use taxes.

S. 156. Providing that all deferred compensation plans for public and private employees shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

S. 181. Providing for distinctive motor vehicle license tags or plates for supporters of the Arts in Alabama; establish an Arts Education License Plate

Advisory Committee; provide for a charitable deduction; and provide for a delayed effective date.

S. 45. To provide for a home weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

S. 42. To amend Sections 32-6-300 and 32-6-301 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags, and providing further that the purchasers of the tags may designate the school district to receive the proceeds of the sale of the tags.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 68. (With Substitute): To make an appropriation of \$61,892 from the Education Trust Fund for the support and maintenance of the Southern Normal School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1030. Relating to Hale County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Hale County Commission to levy a two mill ad valorem tax for fire protection.

The above bill was read a second time at length as required by the Constitution.

H. 1039. Relating to Butler County; authorizing the county commission to collect taxes, licenses, fees, and other revenues currently being collected by the State Department of Revenue.

H. 1041. Relating to Wilcox County; providing for the levy, collection, and distribution of an occupational privilege license fee.

H. 1044. Relating to Elmore County; authorizing the Elmore County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes, or fees levied thereon; to provide for the payment, collection, and distribution of the net revenues from such user fees; and to provide for a referendum on this act.

REGULAR SESSION
27th Day

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H. 1046. Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

H. 1047. Relating to Calhoun County; to provide for the rehabilitation of certain persons convicted of any type crime and sentenced to a term of confinement in the Calhoun County jail or state prison; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; and to repeal all laws or parts of laws which conflict with this act.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 593. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury.

The above bill was read a second time at length as required by the Constitution.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 649. Relating to Wilcox County; proposing an amendment to the Constitution of Alabama of 1901; to levy an additional 15-mill ad valorem tax.

The above bill was read a second time at length as required by the Constitution.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 398. Relating to Jefferson County; amending Sections 1 and 2 of Act 89-702, H. 751 of the 1989 Regular Session (Acts 1989, p. 1397); to increase the number of county commission staff positions; and to provide that the additional positions are exempt from the merit system.

S. 485. Relating to Jefferson County; amending Section 1 of Act No. 88-936, H. 191 of the 1988 Special Session (Acts 1988, p. 550), providing that the Chief Deputy Tax Collector shall serve at the pleasure of the person elected to the position of Jefferson County Tax Collector; and repealing Section 2 of the act relating to certain qualifications of the Chief Deputy Tax Collector.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 684. Relating to Mobile County; requiring the board of school commissioners to adopt a dress code for students.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1028. (With Substitute): Relating to Mobile County; prohibiting any race track operation, for any purpose, from being constructed or operated in an area that has three or more residences within 1,000 yards of the location for the race track; to provide that any violation of this act is a public nuisance; and to provide for injunctive relief.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 513. To amend Sections 13 and 14 of Act No. 79-157, S. 222 of the 1979 Regular Session (Acts 1979, p. 256), establishing the police officer's and firefighter's retirement fund for the City of Anniston in Calhoun County, to redefine further the formula for the computation of plan benefits; and to provide for optional benefit plans to be offered to members of the retirement plan.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 613. To amend Section 40-9B-3 of the Code of Alabama 1975, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories to include refined petroleum pipelines which may qualify for tax abatements.

REGULAR SESSION
27th Day

2653

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 687. (With Amendment): Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of properly licensed retailers serving the general public in the city.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 584. Relating to Pickens County; to provide for necessary repairs and maintenance to turnouts abutting public roads by the county commission.

Also:

H. 418. To propose an amendment to the Constitution of Alabama of 1901, ratifying and validating all ad valorem tax levies and payments made in Pickens County, and authorizing the county governing body to levy an ad valorem tax.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.R. 515. DESIGNATING TOURISM WEEK 1996 IN THE STATE OF ALABAMA.

The resolution, H.R. 515, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Windom, Dial, Adams, Smith, Roberts, Denton, Myers, Clay, Mitchem, Davidson, Hale, Bedford, Little, Armistead, Hill, Butler, Ghee, Lipscomb, Biddle, Waggoner, Barron, Amari, Mitchell, Bailey, and Dixon:

S. 587. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," relating to consumer credit transactions; to amend and to provide further for definitions; to amend, clarify, and conform various provisions of Chapter 19, Title 5 to the amended definitions; to amend and provide further for finance charges and to amend and clarify finance charges applicable to consumer credit transactions which provide for simple finance charge computations; to clarify the applicability of Sections 5-19-1(1) and 5-19-3 to nonconsumer credit transactions; to amend and provide further for fees and charges which must be refunded or credited upon refinancing or renewal of a debt; to amend the disclosures required to be given under this chapter by a creditor by deleting the requirement for disclosures of real estate mortgage broker fees and points for a consumer credit transaction subject to Section 5-19-4(g) and to further clarify disclosure requirements; to clarify and to provide further for attorney fees which may be charged by a creditor on a consumer credit transaction prior to and after default by the debtor; to provide that the notice required by federal law related to home solicitation sales satisfies the notice requirements under Section 5-19-12, to shorten to 20 days the time within which a creditor must take possession of the goods where the buyer has elected to cancel the sale, and to provide that a buyer may cancel a home solicitation sale at any time within one year after the date of sale if the seller has failed to comply with the notice requirement; to amend and provide further for the prohibition against a creditor inducing a person to become obligated on more than one contract in order to obtain a higher finance charge including providing that a creditor is not obligated to maintain two or more contracts and that a creditor has no liability for the consolidation of accounts or contracts; to amend and provide further for the remedies of a debtor and liabilities of a creditor for excess finance charges or other violations of Chapter 19, Title 5; to provide that a creditor who fails to obtain the required license may maintain an action without affecting the enforceability of the consumer credit transaction if the creditor obtains a license and pays the administrator a civil penalty; to amend and provide further for the time period during which a debtor may bring a cause of action for a violation of Chapter 19, Title 5; to amend and provide further for the insurance which may be required or offered in connection with a consumer credit transaction and for the maximum premiums and charges for insurance including credit life, disability, involuntary unemployment insurance, collateral protection insurance, property insurance, and nonfiling insurance; to amend and clarify that a creditor has no duty in the absence of a written agreement to obtain insurance; to provide that a creditor may offer and finance other

insurance which is approved by the administrator; to amend and provide further for the administrator's authority to make rules and regulations and the administrator's and administrator's designee's authority to issue certain written interpretations of the provisions of Chapter 19, Title 5, to provide for the consequence of a creditor for any act or practice done or omitted in conformity with any regulation or interpretation of the administrator, administrator's designee, or other state or federal agency, or opinion of the Attorney General; to provide further for the licensing of creditors engaged in the business of making consumer loans or taking assignments of consumer credit contracts, including that a creditor having a place of business in Alabama or a resident employee whose employment includes making consumer loans or taking assignments of consumer credit contracts must obtain a license, specifying the business locations of a creditor which must be licensed, and providing that a seller with respect to a consumer credit sale contract and the financing of permitted charges is not required to be licensed under Chapter 19, Title 5, to increase the annual license fee; to provide for the confidentiality of reports of examinations, and investigations and working papers related thereto of the State Banking Department; to provide the method by which a creditor's books and records may be maintained and reproduced; to amend and clarify the nonapplicability of specified provisions of Chapter 19, Title 5, to certain real estate transactions by a creditor which is an approved mortgagee under the provisions of the National Housing Act; to provide that a creditor and any other person may sell and finance a service contract and that service contracts do not constitute insurance for certain purposes; to provide for the effect of certain provisions of this act including the retroactive application of certain amendments; to provide that the provisions of Section 5-19-11(b) relating to remedies of debtors and obligations of creditors and Section 5-19-11(c) relating to the powers of the Administrator are transferred to, and restated and amended in, Section 5-19-19(c) and Section 5-19-19(i), respectively, and that the remainder of Section 5-19-11 is repealed; to provide for severability of the provisions of this act; and to provide for an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 587. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Poole (With Notice and Proof):

S. 738. Relating to Tuscaloosa County; to amend Act No. 56, 1953 Regular Session, as amended by Act No. 94-554, 1994 Regular Session, (Acts, p. 1010), to further authorize the levy of sales and use taxes with respect to selling, storing, using, or otherwise consuming retail machines used in the mining, quarrying, compounding, processing, and manufacturing of tangible personal property.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 738, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 738. Local Legislation No. 6.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Steele (With Notice and Proof):

S. 729. Relating to Tuscaloosa County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 729, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 729. Local Legislation No. 6.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dixon (With Notice and Proof):

S. 707. To amend Section 4 of Act No. 756, S. 861, 1975 Special Session (Acts 1975, p. 1536), to reopen the Employees' Retirement System of the City of Montgomery for purchase of credit in the system for certain prior service with the state.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 707, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 707. Local Legislation No. 5.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial (With Notice and Proof):

S. 702. Relating to the City of LaFayette; to provide for the management and investment of the proceeds received from the sale of the municipal gas distribution system.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 702, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 702. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford (With Notice and Proof):

S. 698. Relating to Montgomery County; providing further for the compensation of the elected official in the position of judge of probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 698, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 698. Local Legislation No. 5.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee (With Notice and Proof):

S. 660. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 660, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 660. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron (With Notice and Proof):

S. 620. Relating to DeKalb County; providing for the levy of a special recording fee for certain documents filed in the Office of the Judge of Probate; and providing for the disposition of the fee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 620, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 620. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Davidson (With Notice and Proof):

S. 605. Relating to Walker County; amending Section 6 of Act No. 113, H. 69, 1965 First Special Session (Acts 1965, p. 162), as amended by Act No. 87-497, H. 712, 1987 Regular Session (Acts 1987, p. 755), relating to the City of Jasper Civil Service System, to provide for the compensation of the members of the civil service board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 605, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 605. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Steele (With Notice and Proof):

S. 407. Relating to Hale County; to provide the collection and disposition of a special indexing fee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 407, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the the Senate, was read one time and referred to the Standing

S. 407. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee (With Notice and Proof):

S. 654. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 654, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 654. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee (With Notice and Proof):

S. 655. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 655, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 655. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

**REGULAR SESSION
27th Day**

2663

By Senator Dixon (With Notice and Proof):

S. 706. To authorize Baptist Medical Center situated in Montgomery County, Alabama, an Alabama nonprofit corporation and an affiliate of Baptist Health Services Corporation, to employ suitable persons as police officers; to specify the powers and jurisdiction of the police officers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 706, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 706. Local Legislation No. 5.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee (With Notice and Proof):

S. 709. Relating to Calhoun County; amending Act 89-711, H. 1019, 1989 Regular Session (Acts 1989, p. 1420), providing for a special indexing fee for the installation and maintenance of the improved system of archiving and the indexing of documents and for the improvement of the services of the Office of the Judge of Probate of Calhoun County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 709, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 709. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee (With Notice and Proof):

S. 710. Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 710, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 710. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

**REGULAR SESSION
27th Day**

2665

By Senator Butler (With Notice and Proof):

S. 7. Relating to Madison County; to exempt the Monrovia Parks and Recreation Association from the payment of all county and municipal sales and use taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 7. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchem:

S. 516. To amend Section 12-13-20, Code of Alabama 1975, relating to the compensation for salaried judges of probate of the respective counties of the state, to provide further for the basis of the salaries, based on the population of the respective counties of the state, and the extra compensation for certain judges of probate who have additional responsibility in the county; to provide for future increases in compensation; and to specify that this bill shall not affect the compensation of judges of probate who receive a greater annual salary.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 516. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee (With Notice and Proof):

S. 652. To provide for the implementation of Amendment 508 of the Constitution of Alabama of 1901, authorizing the operation of bingo games in Calhoun County, Alabama, by certain nonprofit organizations; to establish the Calhoun County Bingo Regulatory Commission and to provide for the regulation of bingo in Calhoun County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 652, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 652. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 713. To reopen the Employees' Retirement System for a certain time to allow an active and contributing member to purchase a certain amount of service credit in the system for certain prior service rendered while employed by a local district attorney.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 713. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial:

S. 555. Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 555. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Ghee, Bailey, Adams, and Steele:

S. 428. To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education

must satisfy; and to permit the commission to terminate programs failing to satisfy these standards.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 428. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Adams, Ghee, Lipscomb, Amari, Davidson, Clay, Dial, Barron, Smith, Mitchell, Windom, Armistead, Bailey, and Steele:

S. 432. Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan which shall include all proposals concerning capital projects; requiring the commission to review these proposals; placing a freeze on the inclusion of certain capital projects; and requiring the prioritizing of capital improvement budget requests.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 432. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

REGULAR SESSION
27th Day

2669

By Senators Little, Ghee, Mitchell, Adams, and Steele:

S. 434. Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to establish a uniform electronic faculty unit record system and to provide for the operation of the system.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 434. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Sanders:

S. 650. To reappropriate, for fiscal years 1995-96 and 1996-97, all unexpended and unencumbered monies previously appropriated to the Education Technology Fund under Act 94-673 and the fiscal year 1994-95 appropriation made in Act 95-650; to reduce the fiscal year 1995-96 appropriation to the Education Technology Fund made in Act 95-650; to provide for the use of the reappropriated funds; and to provide for an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 650. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Sanders:

S. 51. To make an appropriation of \$112,950 from the Education Trust Fund to 12 YMCA programs, 10 Boys and Girls Club programs and one sports association for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 51. Ways and Means.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Turnham, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren:

H.R. 516. COMMENDING CONGRESSMAN TOM BEVILL FOR EXEMPLARY PUBLIC SERVICE UPON HIS RETIREMENT FROM CONGRESS.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Moore, the Budget Isolation Resolution relating to the bill, H. 1009, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clouse, Curry, Dukes, Fuller, Gaines, Gipson, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Knight (A), Lindsey, Maull, McAdory, McMillan, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Vance, Warren, White and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1009. To amend further Act No. 91-705, H. 1082, 1991 Regular Session (Acts of Alabama 1991, p. 1374), as last amended by Act No. 93-498, H. 776, 1993 Regular Session (Acts of Alabama 1993, p. 838), relating to Coffee County and providing for a special recording fee for documents filed in the office of the Judge of Probate, to provide further for the disposition of the fee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clouse, Curry, Gaines, Guin, Hamilton, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Lindsey, Maull, McAdory, McMillan,

Millican, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turner and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 1022, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Dolbare, Fuller, Gaines, Gipson, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Knight (A), Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Townsend, Turner and Willis.

-54

And the bill:

H. 1022. Relating to Marengo County; to amend further Act No. 183, S. 234, 1935 Regular Session (Local Acts 1935, p. 106), to provide that the members of the Marengo County Board of Education serve terms of six years with such terms phased in and staggered; to provide for the election of a president and vice-president of the board and to prescribe the powers and duties of the president; to provide for an expense allowance for members of the board; and to repeal Act No. 80-345, H. 955, 1980 Regular Session (Acts 1980, p. 467).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

**REGULAR SESSION
27th Day**

2673

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Dolbare, Dukes, Fuller, Gaines, Gipson, Guin, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance and Willis.

-56

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, H. 1025, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Carns, Carter, Collins, Curry, Dukes, Gaines, Gipson, Guin, Hall (A), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Knight (A), Lindsey, Maull, McAdory, McMillan, Millican, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Reed, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (J), Townsend, Turner, Vance and Willis.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1025. Relating to Bullock County; abolishing the office of constable.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Carns, Carter, Collins, Curry, Fuller, Gaines, Gipson, Guin, Hall (A), Hamilton, Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E), Knight (A), Lindsey, Maull, McDaniel, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Rogers (M), Sanderson, Sims, Spratt, Thomas (J), Townsend, Turner, Vance and Willis.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Reed, the Budget Isolation Resolution relating to the bill, H. 1026, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Collins, Curry, Gipson, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, Maull, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Rogers (M), Sanderson, Smith, Spratt, Thomas (J), Townsend, Vance and Warren.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REGULAR SESSION
27th Day**

2675

And the bill:

H. 1026. Relating to Bullock County; providing an expense allowance for the members of the Bullock County Board of Education; and repealing Act No. 2083, H. 1265 of the 1971 Regular Session (Acts 1971, p. 3354).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Dukes, Gipson, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McMillan, Millican, Mitchell, Moore, Murphree, Newton (C), Papucci, Parker (T), Reed, Rogers (M), Sanderson, Smith, Spratt, Thomas (J), Vance and Warren.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 1033, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Flowers, Fuller, Gaston, Gipson, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, Maull, McDaniel, McMillan, Millican, Moore, Murphree, Newton (C), Papucci, Parker (T), Payne, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Turnham, Venable, Warren and Willis.

-57

And the bill:

H. 1033. Relating to Cleburne County; to authorize the county commission to sell driveway pipe to churches, schools, individuals, and nonprofit associations or corporations under certain conditions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McMillan, Millican, Moore, Murphree, Newton (C), Papucci, Parker (T), Payne, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-53

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 1035, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McAdory, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-60

And the bill:

H. 1035. To alter or rearrange the boundary lines of the City of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said City

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all territory now within such corporate limits and also certain other territory contiguous thereto, in Gulf Shores, Baldwin County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McClammy, McDaniel, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Venable, Warren and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 994, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Drake, Flowers, Fuller, Gaines, Gipson, Guin, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McClammy, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 994. Relating to Houston County, to impose a fee of \$35 as a processing fee to compile and print a list for the general public of all holders of a privilege or business license issued by the judge of probate for an entire fiscal year or a fiscal year to date; or a fee of \$20 for compiling and printing lists and updates of a single month new privilege or business licenses issued by the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Drake, Flowers, Fuller, Gaines, Gipson, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McClammy, Millican, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance and Willis.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 995, was adopted.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Carter, Collins, Curry, Drake, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hooper, Jackson, Johnson (E), Knight (A), Lindsey, Maull, McClammy, McMillan, Moore, Morton,

Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Seibenhener, Sims, Smith, Spratt, Thomas (J), Vance, Warren and Willis.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 995. Relating to Houston County; to impose a special additional filing fee of three dollars on certain instruments, documents, and papers filed for record in the office of the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carter, Curry, Drake, Fuller, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hooper, Jackson, Johnson (E), Knight (A), Lindsey, Maull, McClammy, Millican, Moore, Murphree, Papucci, Perdue, Sims, Spratt, Starkey, Thomas (J), Vance, Venable, Warren and Willis.

-37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 996, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clouse, Collins, Fuller, Gipson, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Knight (A), Lindsey, Maul, McClammy, McMillan, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Vance, Warren and Willis.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 996. Relating to Houston County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clouse, Collins, Curry, Drake, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Knight (A), Lindsey, Maul, McClammy, McMillan, Moore, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 997, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Gaines, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Lindsey, Maull, McClammy, Millican, Moore, Morton, Murphree, Papucci, Payne, Perdue, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 997. Relating to Houston County; to provide for the issuance of annual privilege license by mail by the judge of probate; and to provide an additional fee for the purposes of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Fuller, Guin, Hammett, Hayden, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Lindsey, Maull, Moore, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Seibenhener, Sims, Smith, Spratt, Thomas (J), Vance, Venable and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Seibenhener, the Budget Isolation Resolution relating to the bill, H. 1031, was adopted.

Yeas 24; Nays 13.

Yea:

Mr. Speaker, Baker, Black (M), Carothers, Carter, Ford, Guin, Hamilton, Hawkins, Hilliard, Johnson (R), Laird, Layson, Lindsey, McMillan, Millican, Newton (C), Payne, Penry, Reed, Seibenhener, Sims, Spratt and Vance.

-24

Nay:

Representatives Buskey, Curry, Drake, Gaines, Haney, Hawk, Kennedy, Knight (A), Morton, Murphree, Newton (D), Sanderford and Thomas (D).

-13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1031. Relating to Houston County, proposing an amendment of the Constitution of Alabama of 1901, to provide that qualified electors in Houston County may vote on candidates for county offices without regard to the political affiliation of the elector.

was read a third time at length and lost.

Yeas 9; Nays 11.

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Yea:

Mr. Speaker, Ford, Hammett, Laird, Newton (C), Parker (T), Seibenhener, Sims and Vance.

-9

Nay:

Representatives Curry, Drake, Gaines, Haney, Knight (A), McKee, Papucci, Sanderford, Sanderson, Starkey and Thomas (D).

-11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Seibenhener, the Budget Isolation Resolution relating to the bill, H. 1032, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Knight (A), Laird, Lindsey, Mitchell, Moore, Morton, Murphree, Papucci, Payne, Penry, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (J), Townsend, Vance and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1032. To alter or rearrange the boundary lines of the Town of Malvern, Geneva County, Alabama so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Fuller, Gaines, Gaston, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McClammy, McMillan, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Sanderson, Seibenhener, Sims, Starkey, Thomas (J), Townsend, Vance and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Allen, the Budget Isolation Resolution relating to the bill, H. 1034, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Gipson, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McMillan, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J) and Vance.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1034. Relating to Tuscaloosa County; to amend Act No. 56, 1953 Regular Session, as amended by Act No. 94-554, 1994 Regular Session, (Acts, p. 1010), to further authorize the levy of sales and use taxes with respect to selling, storing, using, or otherwise consuming retail machines used in the mining, quarrying, compounding, processing, and manufacturing of tangible personal property.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clouse, Collins, Curry, Drake, Dukes, Ford, Fuller, Gaines, Gipson, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McDaniel, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Perdue, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (J) and Vance.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 987, was adopted.

Yeas 48; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Dolbare, Drake, Dukes, Fuller, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Kennedy, Knight (A), Lindsey, Maull, McClammy, Millican, Minnifield, Mitchell, Moore, Murphree, Papucci, Payne, Penry, Perdue, Reed, Sims, Spratt, Starkey, Thomas (J), Townsend and Willis.

-48

Nay:

Representative Sanderson.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 987. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Camden in Wilcox County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 4.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Dolbare, Dukes, Fuller, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Kennedy, Lindsey, Maull, McClammy, Millican, Minnifield, Moore, Murphree, Newton (C), Newton (D), Papucci, Payne, Perdue, Reed, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend and Willis.

-46

Nay:

Representatives Gaines, McKee, Sanderson and Warren.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on passage of the bill, H. 987.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 1037, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Reed, Robinson, Rogers (M), Sanderford, Smith, Spratt and Townsend.

-56

And the bill:

H. 1037. Proposing an amendment to the Constitution of Alabama of 1901, prohibiting the municipalities and the County Commission of DeKalb County from levying additional or increasing of the levy of local sales, occupational, use, gasoline, and cigarette taxes after December 31, 1996, without approval by referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Perdue, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Warren, White and Willis.

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RESOLUTIONS

The following resolution was introduced:

By Representative Laird:

H.J.R. 517. COMMENDING ROBIN WILLIAMS OF RANDOLPH COUNTY, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS.

WHEREAS, Robin Williams, who has been employed with the Randolph County Health Department as a home health care assistant since December 1989, and who was selected as Home Health Aide of the Year for Randolph County, as area winner for the 14 counties of Public Health Areas 5 and 6, and as Alabama's Home Health Aide of the Year in 1995, will be honored later this month in Washington, D.C., as National Home Health Aide of the Year by the Foundation for Hospice and Homecare; and

WHEREAS, health care assistants help preserve one of the nation's most important social values, keeping families together and providing a wide range of needed health and supportive services to the ill, elderly, and infirm, and allowing disabled and chronically ill citizens of all ages to remain with their loved ones in familiar and comfortable surroundings; and

WHEREAS, Robin Williams is indeed a true exemplar of this dedicated professional; highly qualified and committed to the total well-being of her patients, she works tirelessly and compassionately, and above the call of duty, in her selfless efforts to minister to their needs and to improve the quality of life for all whose lives are touched by her loving care and concern; and

WHEREAS, additionally, as a wife and mother, she helps her husband farm and supports her children's activities, and is active in her church and other civic affairs; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary contributions and service to others, we hereby most highly commend Robin Williams of Randolph County, Alabama, and direct that she receive a copy of this resolution as a measure of our deepest gratitude, tribute, and esteem.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 517, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Laird:

H.R. 518. COMMENDING ROBIN WILLIAMS OF RANDOLPH COUNTY, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS.

Also:

The following resolution was introduced:

By Rules Committee:

H.R. 519. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty-Seventh legislative day, Tuesday, May 7, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 873 (By Ford)	198
Attalla Bd. of Ed., bd. membership, number of teachers serving limited to one, Sec. 16-11-2 am'd.	
H. 97 (By Flowers)	91
Schools, vision screening, st. bd. of ed. to provide to cert. students, approp. from Ed. Trust Fund	
H. 125 (By Fuller)	91
Education Dept., approp.	

H. 306 (By Haney)	92
Constitution Hall Village, approp.	
H. 557 (By Fuller)	92
Humanities Foundation, approp.	
H. 562 (By Lindsey)	84
D. Day School, approp.	
H. 739 (By Moore)	188
Coffee Co. Bd. of Ed., approp.	
H. 415 (By Townsend)	185
Jefferson County Bd. of Ed., approp. for Burkett Center for Multi-Handicapped	
H. 311 (By Fuller)	179
Marion Military Institute, approp.	
H. 340 (By Fuller)	179
Lyman Ward Military Academy, approp.	
H. 308 (By Fuller)	180
Talladega College, approp.	
H. 555 (By Fuller)	39
Sentencing Institute, approp.	
H. 299 (By Reed)	3
Tuskegee University, approp.	
H. 990 (By Moore)	174
Pistols, possession provided for, cert. juveniles prohib., not under supervision, cert. other persons prohib., drugs and violent acts, penalties, licensure abolished., Secs. 13A-11-72, 13A-11-73, 13A-11-74 am'd., Sec. 13A-11-75 repealed	

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H. 183 (By Hooper)	6
Alcoholic Beverage Control Bd., auth. to purchase and own property, Sec. 28-3-43 am'd.	
H. 140 (By Gaston)	57
Charities, registration by charitable organizations req., penalties, remedies available to Atty. Gen., Secs. 13A-9-70, 13A-9-71, 13A-9-72, 13A-9-76 am'd.	
H. 228 (By Petelos)	11
Arrest without warrant for criminal violations under cert. conditions, Sec. 15-10-3 am'd.	
H. 809 (By Curry)	120
10th Jud. Cir. (Jefferson Co.), Birmingham Div., cir. and dist. judgeships, add'l. estab.	
H. 766 (By Turner)	166
Oil and gas taxation, rate of reduced for cert. wells, Sec. 40-20-2 am'd.	
H. 379 (By Fuller)	146
Circuit clks. and registers, salary incr., phased in, Sec. 12-17-81 am'd.	
H. 667 (By Fuller)	124
Utilities, gross receipts tax, cert. natural gas excluded, Secs. 40-21-83, 40-21-103 am'd.	
H. 124 (By Fuller)	64
Bail, distrib. of forfeitures in st. cases, one-half to co. where defendant was charged, Secs. 15-13-130, 15-13-131 am'd.	
H. 1010 (By Carothers)	204
Taylor, corp. limits alt.	
H. 710 (By Turnham)	123
Agriculture and Industries Dept., permit and inspection fees, and penalties collected, distrib. alt., Sec. 8-17-91 am'd.	

SUBSTITUTE OFFERED

Representative Hooper offered the following substitute to the resolution, H.R. 519:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty-Seventh legislative day, Tuesday, May 7, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 873 (By Ford)	198
Attalla Bd. of Ed., bd. membership, number of teachers serving limited to one, Sec. 16-11-2 am'd.	
H. 97 (By Flowers)	91
Schools, vision screening, st. bd. of ed. to provide to cert. students, approp. from Ed. Trust Fund	
H. 125 (By Fuller)	91
Education Dept., approp.	
H. 306 (By Haney)	92
Constitution Hall Village, approp.	
H. 557 (By Fuller)	92
Humanities Foundation, approp.	
H. 562 (By Lindsey)	84
D. Day School, approp.	
H. 739 (By Moore)	188
Coffee Co. Bd. of Ed., approp.	
H. 415 (By Townsend)	185
Jefferson County Bd. of Ed., approp. for Burkett Center for Multi-Handicapped	

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H. 311 (By Fuller) 179

Marion Military Institute, approp.

H. 340 (By Fuller) 179

Lyman Ward Military Academy, approp.

H. 308 (By Fuller) 180

Talladega College, approp.

H. 555 (By Fuller) 39

Sentencing Institute, approp.

H. 299 (By Reed) 3

Tuskegee University, approp.

H. 990 (By Moore) 174

Pistols, possession provided for, cert. juveniles prohib., not under supervision, cert. other persons prohib., drugs and violent acts, penalties, licensure abolished., Secs. 13A-11-72, 13A-11-73, 13A-11-74 am'd., Sec. 13A-11-75 repealed

H. 516

H. 183 (By Hooper) 6

Alcoholic Beverage Control Bd., auth. to purchase and own property, Sec. 28-3-43 am'd.

H. 142

H. 140 (By Gaston) 57

Charities, registration by charitable organizations req., penalties, remedies available to Atty. Gen., Secs. 13A-9-70, 13A-9-71, 13A-9-72, 13A-9-76 am'd.

H. 228 (By Petelos) 11

Arrest without warrant for criminal violations under cert. conditions, Sec. 15-10-3 am'd.

H. 809 (By Curry)	120
10th Jud. Cir. (Jefferson Co.), Birmingham Div., cir. and dist. judgeships, add'l. estab.	
H. 766 (By Turner)	166
Oil and gas taxation, rate of reduced for cert. wells, Sec. 40-20-2 am'd.	
H. 379 (By Fuller)	146
Circuit clks. and registers, salary incr., phased in, Sec. 12-17-81 am'd.	
H. 667 (By Fuller)	124
Utilities, gross receipts tax, cert. natural gas excluded, Secs. 40-21-83, 40-21-103 am'd.	
H. 124 (By Fuller)	64
Bail, distrib. of forfeitures in st. cases, one-half to co. where defendant was charged, Secs. 15-13-130, 15-13-131 am'd.	
H. 1010 (By Carothers)	204
Taylor, corp. limits alt.	
H. 710 (By Turnham)	123
Agriculture and Industries Dept., permit and inspection fees, and penalties collected, distrib. alt., Sec. 8-17-91 am'd.	

MOTION TO TABLE LOST

The motion offered by Representative Carter to table the substitute offered by Representative Hooper to the resolution, H.R. 519, was lost.

Yeas 23; Nays 59.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Buskey, Carter, Drake, Graham, Hall (L), Hammett, Hayden, Hilliard, Holmes, Knight (J), McAdory, McClammy, Newton (D), Page, Parker (P), Rogers (J), Sanderson, Spratt and Turnham.

Nay:

Representatives Allen, Baker, Black (M), Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Warren, White, Willis and Wren.

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SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Turner offered the following substitute to the substitute offered by Representative Hooper to the resolution, H.R. 519:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty-Seventh legislative day, Tuesday, May 7, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 873 (By Ford)	198
Attalla Bd. of Ed., bd. membership, number of teachers serving limited to one, Sec. 16-11-2 am'd.	
H. 97 (By Flowers)	91
Schools, vision screening, st. bd. of ed. to provide to cert. students, approp. from Ed. Trust Fund	
H. 125 (By Fuller)	91
Education Dept., approp.	
H. 306 (By Haney)	92
Constitution Hall Village, approp.	

H. 557 (By Fuller)	92
Humanities Foundation, approp.	
H. 562 (By Lindsey)	84
D. Day School, approp.	
H. 739 (By Moore)	188
Coffee Co. Bd. of Ed., approp.	
H. 415 (By Townsend)	185
Jefferson County Bd. of Ed., approp. for Burkett Center for Multi-Handicapped	
H. 311 (By Fuller)	179
Marion Military Institute, approp.	
H. 340 (By Fuller)	179
Lyman Ward Military Academy, approp.	
H. 308 (By Fuller)	180
Talladega College, approp.	
H. 555 (By Fuller)	39
Sentencing Institute, approp.	
H. 299 (By Reed)	3
Tuskegee University, approp.	
H. 990 (By Moore)	174
Pistols, possession provided for, cert. juveniles prohib., not under supervision, cert. other persons prohib., drugs and violent acts, penalties, licensure abolished., Secs. 13A-11-72, 13A-11-73, 13A-11-74 am'd., Sec. 13A-11-75 repealed	
H. 183 (By Hooper)	6
Alcoholic Beverage Control Bd., auth. to purchase and own property, Sec. 28-3-43 am'd.	

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H. 140 (By Gaston) 57

Charities, registration by charitable organizations req., penalties, remedies available to Atty. Gen., Secs. 13A-9-70, 13A-9-71, 13A-9-72, 13A-9-76 am'd.

H. 228 (By Petelos) 11

Arrest without warrant for criminal violations under cert. conditions, Sec. 15-10-3 am'd.

H. 809 (By Curry) 120

10th Jud. Cir. (Jefferson Co.), Birmingham Div., cir. and dist. judgeships, add'l. estab.

H. 766 (By Turner) 166

Oil and gas taxation, rate of reduced for cert. wells, Sec. 40-20-2 am'd.

H. 379 (By Fuller) 146

Circuit clks. and registers, salary incr., phased in, Sec. 12-17-81 am'd.

H. 667 (By Fuller) 124

Utilities, gross receipts tax, cert. natural gas excluded, Secs. 40-21-83, 40-21-103 am'd.

H. 124 (By Fuller) 64

Bail, distrib. of forfeitures in st. cases, one-half to co. where defendant was charged, Secs. 15-13-130, 15-13-131 am'd.

H. 1010 (By Carothers) 204

Taylor, corp. limits alt.

H. 710 (By Turnham) 123

Agriculture and Industries Dept., permit and inspection fees, and penalties collected, distrib. alt., Sec. 8-17-91 am'd.

H. 142

H. 516

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Representative Hooper, the substitute offered by Representative Turner to the substitute offered by Representative Hooper to the resolution, H.R. 519, was tabled.

Yeas 52; Nays 30.

Yea:

Representatives Allen, Baker, Black (M), Burke, Carns, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaston, Gipson, Guin, Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Townsend, Warren, White, Willis and Wren.

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Nay:

Mr. Speaker, Black (L), Box, Boyd, Buskey, Carter, Drake, Ford, Graham, Hall (A), Hall (L), Hammett, Hayden, Hilliard, Holmes, Houston, Kennedy, Knight (J), Lindsey, McAdory, McClammy, Melton, Newton (D), Page, Parker (P), Parker (T), Rogers (J), Spratt, Turner and Turnham.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 469. Proposing an amendment to Amendment 334 of the Constitution of Alabama of 1901, relating to the Madison County Judicial Commission; specifying the membership, powers, and method of operation of the commission, and clarifying the term of office of the judicial officer assuming office.

Also:

H. 479. Relating to Henry County; relating to the compensation and expense allowance for the sheriff of Henry County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of sheriff.

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Also:

H. 554. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Ider in Dekalb County.

McDOWELL LEE
Secretary

H.R. 519 TEMPORARILY CARRIED OVER

On motion of Representative Newton (D), the resolution, H.R. 519, and the pending substitute offered by Representative Hooper were temporarily carried over.

RESOLUTION

The following resolution was introduced:

By Representative Newton (D):

H.J.R. 520. RECOGNIZING MRS. BAMA S. GRAY OF FAIRFIELD, ALABAMA.

WHEREAS, it is with highest commendation and utmost pleasure that the Alabama Legislature recognizes Mrs. Bama S. Gray, National President of the Fairfield Industrial High School Alumni Association, for her many outstanding contributions and service to the Fairfield community and, most especially, to the youth of our state; and

WHEREAS, Mrs. Gray, who is the second National President of the Fairfield Industrial High School Alumni Association, has contributed extensively toward improving the quality of life and well-being of her community and its young people through active membership in numerous clubs and organizations; as a member of the First Baptist Church of Fairfield, where she serves as a member of the Missionary Society, Sunday School, and in other church activities; and through the association in her instrumental role in awarding scholarships to many deserving students; and

WHEREAS, Mrs. Gray was married to the late Eddie Gray, Jr., and is the devoted mother of two children, Sheral Diane Gray and Eddie Gray, III, and the proud grandmother of three grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Bama S. Gray be commended and congratulated on her exemplary record of civic leadership and service, and that a copy of this resolution be presented to her as a measure of our gratitude, tribute, and esteem.

On motion of Representative Newton (D), the rules were suspended and the resolution, H.J.R. 520, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 719. Relating to Montgomery County; providing further for the compensation of the elected official in the position of judge of probate.

Also:

H. 722. Relating to Etowah County; providing further for the amount of sales and use tax levied on certain equipment and motor vehicles; and providing for a retroactive effect.

Also:

H. 723. Relating to Madison County; to require the Madison County Judicial Commission to publicize the list of judicial nominees; and to require the commission to vote publicly on the list of nominees for submission to the Governor.

Also:

H. 754. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for fire protection in Talladega County and providing for mandatory dues to support the districts.

Also:

H. 763. Relating to Etowah County; amending Act No. 80-442 of the 1980 Regular Session (Acts 1980, p. 674), providing for the board of trustees of the policemen's and firemen's retirement funds for the City of Gadsden.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

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H. 650. To alter or rearrange the boundary lines of the Town of Fort Deposit, Lowndes County, Alabama, so as to include within the corporate limits of the said Town of Fort Deposit all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndes County, Alabama.

Also:

H. 660. Relating to Montgomery County; authorizing the Sheriff to operate a jail store/commissary for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned; providing for an effective date.

Also:

H. 661. Relating to Montgomery County; providing further for the compensation of the elected official in the position of sheriff.

Also:

H. 740. Relating to Autauga County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned.

Also:

H. 988. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Springville in St. Clair County.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Ford, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 873.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 873, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Knight (A), Layson, Lindsey, McClammy, McMillan, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Townsend, Turnham, Vance and Wren.

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And the bill:

H. 873. To amend Section 16-11-2 of the Code of Alabama 1975, to provide that only one classroom teacher may serve as a member of the Board of Education of the City of Attalla.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Knight (A), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Townsend, Turnham, Vance, Warren and Willis.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Knight (J):

H.R. 521. COMMENDING CARMEN E. HAYES AS RECIPIENT OF THE J. GARRICK HARDY ALUMNI AWARD.

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Also:

By Representative Knight (J):

H.R. 522. COMMENDING ROOSEVELT WALKER AS RECIPIENT OF THE E.B. CAMPBELL ENTREPRENEUR AWARD.

Also:

By Representative Knight (J):

H.R. 523. COMMENDING DR. WILLIE DAVID MCCLUNG ON HIS 4TH ANNIVERSARY OF DEDICATED SERVICE AND LEADERSHIP TO THE HOLT STREET BAPTIST CHURCH, MONTGOMERY, ALABAMA.

Also:

The following resolution was introduced:

By Representative Knight (J):

H.J.R. 524. COMMENDING DR. WILLIE DAVID MCCLUNG ON HIS 4TH ANNIVERSARY OF DEDICATED SERVICE AND LEADERSHIP TO THE HOLT STREET BAPTIST CHURCH, MONTGOMERY, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes the 4th Anniversary of Dr. Willie David McClung as pastor of Holt Street Baptist Church, Montgomery, Alabama; and

WHEREAS, Dr. McClung came to Holt Street Baptist from the position of Vice President for Development at Selma University, in which capacity he was responsible for the university becoming accredited by the Southern Association of Colleges and Schools for the first time ever in the school's history; and

WHEREAS, over his recent years as spiritual leader and shepherd at Holt Street Baptist, Dr. McClung has been an inspiration to his church family as a true symbol of strength, love, and commitment to the Lord, and, under his spiritual leadership and guidance, Holt Street Baptist has grown and flourished in all aspects of its ministry and witness; and

WHEREAS, among these many accomplishments, a bus ministry and a breakfast feeding have been instituted, many areas of the church have been refurbished and remodeled, church membership has increased substantially, a comprehensive church constitution has been developed and adopted, and plans have been overwhelmingly approved and are underway to build a new church facility, among numerous other achievements; and

WHEREAS, Dr. McClung and his devoted and supportive wife, both natives of Pickens County, are the parents of five children and 12 grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous occasion, in celebration and honor of his devoted service to Holt Street Baptist Church, Montgomery, Alabama, highest commendation is hereby accorded Dr. Willie David McClung, to whom a copy of this resolution shall be provided.

On motion of Representative Knight (J), the rules were suspended and the resolution, H.J.R. 524, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 431. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Russell County and the cities and towns of the county.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

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H. 122. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$7,738,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Trust Fund of \$3,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation of \$3,800,000 from the Department of Corrections Special Revenue Fund and a supplemental appropriation of \$2,161,000 from the Correctional Industries Revolving Fund to the Department of Corrections for the fiscal year ending September 30, 1996; to provide for a supplemental appropriation from the Voter Registration Fund of \$50,000 to the Voter Registration Identification Program for the fiscal year ending September 30, 1996; to reduce the appropriation made in Act 95-740, Section 2D 9 and to provide further for the use of the remaining appropriated funds; and to provide for an effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 584. Relating to Pickens County; to provide for necessary repairs and maintenance to turnouts abutting public roads by the county commission.

Also:

H. 479. Relating to Henry County; relating to the compensation and expense allowance for the sheriff of Henry County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of sheriff.

Also:

H. 554. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Ider in Dekalb County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 469. Proposing an amendment to Amendment 334 of the Constitution of Alabama of 1901, relating to the Madison County Judicial Commission; specifying the membership, powers, and method of operation of the commission, and clarifying the term of office of the judicial officer assuming office.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 418. To propose an amendment to the Constitution of Alabama of 1901, ratifying and validating all ad valorem tax levies and payments made in Pickens County, and authorizing the county governing body to levy an ad valorem tax.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H.R. 519 AGAIN TAKEN UP

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the substitute offered by Representative Hooper to the bill, H.R. 519:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty-Seventh legislative day, Tuesday, May 7, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 97 (By Flowers)	91

Schools, vision screening, st. bd. of ed. to provide to cert.
students, approp. from Ed. Trust Fund

H. 125 (By Fuller)	91
Education Dept., approp.	
H. 306 (By Haney)	92
Constitution Hall Village, approp.	
H. 557 (By Fuller)	92
Humanities Foundation, approp.	
H. 562 (By Lindsey)	84
D. Day School, approp.	
H. 739 (By Moore)	188
Coffee Co. Bd. of Ed., approp.	
H. 415 (By Townsend)	185
Jefferson County Bd. of Ed., approp. for Burkett Center for Multi-Handicapped	
H. 311 (By Fuller)	179
Marion Military Institute, approp.	
H. 340 (By Fuller)	179
Lyman Ward Military Academy, approp.	
H. 308 (By Fuller)	180
Talladega College, approp.	
H. 555 (By Fuller)	39
Sentencing Institute, approp.	
H. 299 (By Reed)	3
Tuskegee University, approp.	

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

Yeas 79; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Warren, White and Wren.

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Nay:

Representative Hall (A).

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RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.R. 519, as amended, was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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Nay:

Representative Hall (A).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 705. Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

Also:

H. 714. Relating to Calhoun County; to provide for a civil service system governing the appointment, separation, employment, compensation, tenure, and official conduct of employees of the county; define violations of the act and impose penalties for violations; and to repeal Act No. 384, 1969 Regular Session, and Act No. 274, 1975 Regular Session.

Also:

H. 720. Relating to Montgomery County; providing additional compensation for the members of the Montgomery County Board of Education; and repealing Act. No 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510).

Also:

H. 752. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury effective January 1 after its approval.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

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H. 658. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

Also:

H. 681. Relating to Washington County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

Also:

H. 703. Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; providing for disposition of funds from the additional fees; and providing for a referendum.

Also:

H. 704. Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 764. Relating to St. Clair County; providing for an additional expense allowance and salary for the sheriff.

Also:

H. 767. Relating to Lee County; to establish a Motor Vehicle License System in the office of the Judge of Probate to process motor vehicle title and license applications, transfers, and renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and

remit license fees, taxes, and monies due to the State of Alabama and the county; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for the collection of sales taxes on used motor vehicles sold by non-dealers; to provide for the requirement of proof of payment of any federal highway use taxes due before issuing licenses; to provide for transferring all of the duties, responsibilities, and enforcement of motor vehicle licensing, ad valorem tax assessment and collection, as well as enforcement otherwise under authority of the tax assessor, tax collector, and license inspector, to the judge of probate; providing an increase in salary for the judge of probate for assuming additional duties under this act; and to provide that the act shall become operative upon referendum approval.

Also:

H. 772. Relating to Henry County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

Also:

H. 773. Relating to Coffee County; to provide that jury venires shall be selected from the county-at-large; and to provide that no person shall serve on more than one jury venire at a time.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 97, were temporarily carried over at the request of Representative Fuller.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 125, were temporarily carried over at the request of Representative Fuller.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Carns:

H.R. 525. COMMENDING TAIWAN, REPUBLIC OF CHINA, ON ITS PRESIDENTIAL ELECTION.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 306, was adopted.

Yeas 63; Nays 5.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham and White.

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Nay:

Representatives Dolbare, Page, Parker (P), Seibenhener and Sims.

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And the bill:

H. 306. (With Substitute): To make an appropriation of \$2,500,000 from the Education Trust Fund to Constitution Hall Village at Huntsville, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 306, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$500,000 from the Education Trust Fund to Constitution Hall Village at Huntsville, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$500,000 to Constitution Hall Village in Huntsville, Alabama, from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 59; Nays 7.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Crigler, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Knight (A), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, White and Willis.

Nay:

Representatives Dolbare, Hayden, Layson, McKee, Page, Parker (P) and Rogers (M).

- 7

MOTION TO SUSPEND RULES ADOPTED

The rules were suspended in order to permit the Standing Committees on Local Legislation No. 1, Local Legislation No. 5 and Industrial Development and Economic Growth to report later in the day.

H. 306 RESUMED

AMENDMENT OFFERED

Representative Millican offered the following amendment to the bill, H. 306, as amended:

On page 1, line 10 and 21, after the language "Alabama," insert the following language: and the Hamilton Middle School

On page 2, line 3, after the word "program" insert the following language: ; provided, however, \$100,000 of said amount shall be distributed to the Hamilton Middle School for restroom construction, renovation, and maintenance

MOTION TO TABLE LOST

The motion offered by Representative Haney to table the amendment offered by Representative Millican to the bill, H. 306, as amended, was lost.

Yeas 28; Nays 33.

Yea:

Mr. Speaker, Burke, Carns, Clouse, Curry, Dean, Dukes, Flowers, Fuller, Hamilton, Haney, Hawkins, Hilliard, Hinshaw, Jorgensen, Knight (A), McKee, McMillan, Page, Papucci, Payne, Petelos, Pringle, Sanderford, Spratt, Starkey, Thomas (D) and Townsend.

Nay:

Representatives Baker, Black (M), Box, Carothers, Collins, Dolbare, Galliher, Gipson, Graham, Guin, Hayden, Hill, Hogan, Holmes, Johnson (E), Johnson (R), Knight (J), Laird, Layson, Melton, Millican, Morrison, Murphree, Newton (C), Parker (P), Rogers (M), Sanderson, Seibenhener, Sims, Turner, Vance, Warren and Willis.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Millican to the bill, H. 306, as amended, and the amendment was adopted.

Yeas 35; Nays 27.

Yea:

Representatives Baker, Black (L), Black (M), Box, Carothers, Clouse, Collins, Dean, Dolbare, Galliher, Gipson, Graham, Guin, Hall (L), Hayden, Hill, Hogan, Holmes, Johnson (E), Johnson (R), Laird, Layson, Millican, Morrison, Murphree, Newton (C), Parker (P), Petelos, Rogers (M), Sanderson, Seibenhener, Smith, Vance, Warren and Willis.

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Nay:

Mr. Speaker, Carns, Curry, Dukes, Fuller, Gaines, Hall (A), Hamilton, Haney, Hawkins, Hinshaw, Jorgensen, Knight (A), McDaniel, McKee, McMillan, Papucci, Payne, Penry, Sanderford, Sims, Spratt, Starkey, Thomas (D), Townsend, White and Wren.

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And the bill:

H. 306. To make an appropriation of \$500,000 from the Education Trust Fund to Constitution Hall Village at Huntsville, Alabama, and the Hamilton Middle School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 16.

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Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-73

Nay:

Representatives Dolbare, Gaines, Galliher, Gipson, Hinshaw, Holmes, Laird, Layson, Minnifield, Morrison, Parker (P), Rogers (M), Seibenhener, Sims, Thomas (D) and Warren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hinshaw inadvertently voted "Nay" and intended to vote "Yea" on passage of the bill, H. 306, as amended.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 83. AMENDING ACT 95-475, HJR 400, WHICH CREATED THE FORT MCCLELLAN JOINT INTERIM COMMITTEE TO STUDY FUTURE USES FOR FORT MCCLELLAN.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Boyd, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 83, said Senate amendment being as follows:

**CREATING THE FORT MCCLELLAN JOINT INTERIM COMMITTEE TO
STUDY FUTURE USES FOR FORT MCCLELLAN.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Fort McClellan Joint Interim Committee is created to study and make recommendations on all facets of the potential future uses of the facilities following its closure. The committee shall provide a copy of its recommendations to each member of the Alabama Delegation of the U.S. Congress and each standing congressional committee on veterans affairs, the Calhoun County Council of Elected Leaders, the Governor, and shall file a copy with the Legislature not later than the 10th legislative day of the 1997 and 1998 Regular Sessions.

The committee shall be composed of three members of the House of Representatives and three members of the Senate, appointed by the respective presiding officers.

Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$10,000.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 97, which was previously temporarily carried over, was adopted.

Yeas 80; Nays 5.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims,

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Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Dolbare, Laird, McKee, Parker (P) and Seibenhener.

- 5

And the bill:

H. 97. (With Substitute) (With Amendment): To establish a vision screening program to test the vision of certain public school students and to make an appropriation from the Education Trust Fund to the State Board of Education for the fiscal year ending September 30, 1997, for implementation of the program.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 97, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish a vision screening program to test the vision of certain public school students and to make an appropriation from the Education Trust Fund to the State Board of Education for the fiscal year ending September 30, 1997, for implementation of the program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A vision screening program, through the use of color photorefracton, shall be established and administered by the State Board of Education in conjunction with local school boards.

(b) Vision screening, pursuant to this act, shall be offered to all third grade and fifth grade public school students.

(c) Vision screening results shall be provided to the school where the child attends and the results, including any potential vision problems, shall be available to the parent or guardian of the child.

(d) An information sheet shall be provided to each child screened in an effort to ensure that proper follow-up and medical assistance is provided where necessary.

Section 2. There is appropriated to the State Board of Education for the fiscal year ending September 30, 1997, the sum of \$200,000 from the Education Trust Fund to be used for the implementation of the vision screening program established by this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 2.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Morrison and Seibenhener.

- 2

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 97, as amended, said committee amendment being as follows:

Amend H. 97 As Substituted on Page 2, line 2 by deleting the word "certain".

AMENDMENT ADOPTED

And the amendment was adopted.

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Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Flowers offered the following amendment to the bill, H. 97, as amended:

On page 2, line 19, after the word "proper" add the words "eye care"

On page 2, line 20, after the word "necessary" insert the line "Any referrals for eye care follow-up or medical assistance must include a list of licensed optometrists and licensed ophthalmologists."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford,

Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 754. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for fire protection in Talladega County and providing for mandatory dues to support the districts.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 752. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury effective January 1 after its approval.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 764. Relating to St. Clair County; providing for an additional expense allowance and salary for the sheriff.

Also:

H. 767. Relating to Lee County; to establish a Motor Vehicle License System in the office of the Judge of Probate to process motor vehicle title and license applications, transfers, and renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes, and monies due to the State of Alabama and the county; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for the collection of sales taxes on used motor vehicles sold by non-dealers; to provide for the requirement of proof of payment of any federal highway use taxes due before issuing licenses; to provide for transferring all of the duties, responsibilities, and enforcement of motor vehicle licensing, ad valorem tax assessment and collection, as well as enforcement otherwise under authority of the tax assessor, tax collector, and license inspector, to the judge of probate; providing an increase in salary for the judge of probate for assuming additional duties under this act; and to provide that the act shall become operative upon referendum approval.

Also:

H. 772. Relating to Henry County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

Also:

H. 773. Relating to Coffee County; to provide that jury venires shall be selected from the county-at-large; and to provide that no person shall serve on more than one jury venire at a time.

Also:

H. 658. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

Also:

H. 681. Relating to Washington County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

Also:

H. 703. Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; providing for disposition of funds from the additional fees; and providing for a referendum.

Also:

H. 704. Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

Also:

H. 705. Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; providing for the disposition of funds from the additional fees; and providing for a referendum.

Also:

H. 714. Relating to Calhoun County; to provide for a civil service system governing the appointment, separation, employment, compensation, tenure, and official conduct of employees of the county; define violations of the act and impose penalties for violations; and to repeal Act No. 384, 1969 Regular Session, and Act No. 274, 1975 Regular Session.

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Also:

H. 720. Relating to Montgomery County; providing additional compensation for the members of the Montgomery County Board of Education; and repealing Act. No 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510).

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 719. Relating to Montgomery County; providing further for the compensation of the elected official in the position of judge of probate.

Also:

H. 722. Relating to Etowah County; providing further for the amount of sales and use tax levied on certain equipment and motor vehicles; and providing for a retroactive effect.

Also:

H. 723. Relating to Madison County; to require the Madison County Judicial Commission to publicize the list of judicial nominees; and to require the commission to vote publicly on the list of nominees for submission to the Governor.

Also:

H. 763. Relating to Etowah County; amending Act No. 80-442 of the 1980 Regular Session (Acts 1980, p. 674), providing for the board of trustees of the policemen's and firemen's retirement funds for the City of Gadsden.

Also:

H. 650. To alter or rearrange the boundary lines of the Town of Fort Deposit, Lowndes County, Alabama, so as to include within the corporate limits of the said Town of Fort Deposit all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndes County, Alabama.

Also:

H. 660. Relating to Montgomery County; authorizing the Sheriff to operate a jail store/commissary for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned; providing for an effective date.

Also:

H. 661. Relating to Montgomery County; providing further for the compensation of the elected official in the position of sheriff.

Also:

H. 740. Relating to Autauga County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned.

Also:

H. 988. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Springville in St. Clair County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 97 RESUMED

And the bill:

H. 97. To establish a vision screening program to test the vision of public school students and to make an appropriation from the Education Trust Fund to the State Board of Education for the fiscal year ending September 30, 1997, for implementation of the program.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 6.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Dolbare, Gaines, Laird, McKee, Parker (P) and Seibenhener.

- 6

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 125, which was previously temporarily carried over, was adopted.

Yeas 75; Nays 7.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E),

Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Warren, White, Willis and Wren.

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Nay:

Representatives Dolbare, Holmes, Laird, McKee, Parker (P), Seibenhener and Sims.

- 7

And the bill:

H. 125. (With Substitute): To make a supplemental appropriation of \$200,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for character education and to make a supplemental appropriation of \$300,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for the Inspector Detector Program.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, H. 125, and to the pending substitute reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To make a supplemental appropriation of \$200,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for character education and to make a supplemental appropriation of \$100,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for the Inspector Detector Program and amends the earmarking language found in Act 95-748 of the Regular Session of 1995, the Special Educational Trust Fund budget, relating to the Alabama Industrial Development Training Institute.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the State Department of Education, in addition to any and all other appropriations heretofore or hereafter made, for the fiscal year ending September 30, 1996, the sum of \$200,000 from the Alabama Special Educational Trust Fund for the support and maintenance of a citizenship and character education program. It is the intent of the Legislature that this appropriation be administered by the Citizenship Trust Fund pursuant to Act 95-376.

Section 2. There is hereby appropriated to the State Department of Education, in addition to any and all other appropriations heretofore or hereafter made, for the fiscal year ending September 30, 1996, the sum of \$100,000 from the Alabama Special Educational Trust Fund for the support and maintenance of the Inspector Detector Program.

Section 3. Amend 95-748 of the Regular Session of 1995, the Alabama Special Educational Trust Fund budget in Section 3(A)(23) as follows:

23. INDUSTRIAL DEVELOPMENT
TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program.....	1,839,901	156,264	1,996,165
(b) Industrial Development Program.....	6,468,552		6,468,552
(c) Employee Benefits.....	207,721		207,721

SOURCE OF FUNDS:

(1) ASETF.....	8,516,174		
(2) Federal and Other Funds.....		156,264	

Total Alabama Industrial Development Training Institute.....	8,516,174	156,264	8,672,438
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Of the above appropriation to the Alabama Industrial Development Training Institute, \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program; \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and for Goodyear Tire Company to be conducted by Gadsden State Community College; \$500,000 shall be expended to fund the operations

of the Michelin Training Center; \$500,000 shall be expended ~~for training for the Tire Recycling Center~~ for Michelin training at Shelton State Community College; \$300,000 shall be expended for the Job Corps Training Center at Council Trenholm State Technical College; \$300,000 for the Job Retraining/Economic Development Cooperative related to Military Base Closure in Calhoun County; and \$200,000 for the Alabama Southern Community College for Paper/Chemical Production Training.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 11.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Dolbare, Gaines, Gipson, Laird, McDaniel, McKee, Mitchell, Parker (P), Rogers (M), Seibenhener and Sims.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 306. To make an appropriation of \$500,000 from the Education Trust Fund to Constitution Hall Village at Huntsville, Alabama, and the Hamilton Middle School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 306, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 97. To establish a vision screening program to test the vision of public school students and to make an appropriation from the Education Trust Fund to the State Board of Education for the fiscal year ending September 30, 1997, for implementation of the program.

TOMMY CARTER
Chairman

And the bill, H. 97, as engrossed, was ordered sent to the Senate.

H. 125 RESUMED

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the bill, H. 125, as amended:

To amend H. 125 as last substituted on page 4 after line 16 by adding a new Section 4 and renumbering accordingly:

"Section 4. There is hereby appropriated for the fiscal year ending September 30, 1997 the sum of \$15,000 to the Cleveland Avenue YMCA from the Education Trust Fund."

Further amend the bill on page 2 by striking the period on line 11 and on Page 1 line 20 by striking the period and adding the following: "and appropriate the sum of \$15,000 to the Cleveland Avenue YMCA from the Education Trust Fund for the fiscal year ending September 30, 1997."

MOTION TO TABLE LOST

The motion offered by Representative Sanderson to table the amendment offered by Representative Holmes to the bill, H. 125, as amended, was lost.

Yeas 11; Nays 55.

Yea:

Representatives Allen, Carns, Curry, Dukes, Haney, Newton (C), Papucci, Parker (P), Rogers (M), Sanderson and Thomas (D).

-11

Nay:

Representatives Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clouse, Dolbare, Drake, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hawkins, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McKee, Melton, Minnifield, Mitchell, Morrow, Morton, Murphree, Page, Payne, Perdue, Reed, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Vance, Venable, Warren and Willis.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Holmes to the bill, H. 125, as amended, and the amendment was adopted.

Yeas 70; Nays 8.

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Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Warren and Willis.

-70

Nay:

Representatives Carns, Gaines, Haney, Papucci, Parker (P), Sanderford, Sanderson and Thomas (D).

- 8

AMENDMENT OFFERED

Representative Hall (A) offered the following amendment to the bill, H. 125, as amended:

To amend H. 125 as last substituted on page 4 after line 16 by adding a new Section 4 and renumbering accordingly:

"Section 4. There is hereby appropriated for the fiscal year ending September 30, 1997 the sum of \$15,000 to the Madison County Commission for the Rural Madison YMCA from the Education Trust Fund."

Further amend the bill on page 2 by striking the period on line 11 and on Page 1 line 20 by striking the period and adding the following: "and appropriate the sum of \$15,000 to the Rural Madison County YMCA from the Education Trust Fund for the fiscal year ending September 30, 1997."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 1.

Yea:

Representatives Black (M), Box, Carothers, Dean, Dolbare, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hill, Hilliard, Hinshaw, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McClammy, Millican, Minnifield, Morrison, Morrow, Murphree, Page, Papucci, Payne, Perdue, Robinson, Rogers (M), Sanderford, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

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Nay:

Representative Parker (P).

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 125, as amended:

On page 1, line 12, after the language "education" insert the following language: and a supplemental appropriation of \$15,000 to the Boys and Girls Club of Central Alabama, Hueytown Unit

On page 2, line 4, after the language "education" insert the following language: and a supplemental appropriation of \$15,000 to the Boys and Girls Club of Central Alabama, Hueytown Unit

On page 4, after line 16, insert the following language as a new Section 4 and renumber existing Section 4 and 5 accordingly:

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Section 4. There is hereby appropriated to the Boys and Girls Club of Central Alabama, Hueytown Unit, in addition to any and all other appropriations heretofore or hereafter made, for the fiscal year ending September 30, 1997, the sum of \$15,000.

MOTION TO TABLE LOST

The motion offered by Representative Dolbare to table the amendment offered by Representative Curry to the bill, H. 125, as amended, was lost.

Yeas 8; Nays 40.

Yea:

Representatives Black (L), Box, Fuller, Hill, Knight (A), Page, Parker (P) and Reed.

- 8

Nay:

Representatives Black (M), Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaston, Gipson, Guin, Hall (A), Haney, Hawkins, Hilliard, Hogan, Johnson (R), Jorgensen, Laird, Layson, McMillan, Melton, Mitchell, Morrison, Morrow, Murphree, Papucci, Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend and Turner.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Curry to the bill, H. 125, as amended, and the amendment was adopted.

Yeas 50; Nays 2.

Yea:

Representatives Bandy, Black (M), Box, Boyd, Cams, Collins, Curry, Dean, Dolbare, Dukes, Gaston, Gipson, Guin, Hall (A), Haney, Hawkins, Hill, Hilliard, Hinshaw, Holmes, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Smith, Spratt, Starkey, Townsend, Turner, Vance and Willis.

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Nay:

Representatives Fuller and Parker (P).

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 125 CARRIED OVER

In accordance with House Rule 21, the bill, H. 125, as amended, was carried over to the twenty-eighth legislative day at the request of Representative Fuller.

PERMISSION GRANTED

In accordance with Article IV, Section 55, of the Constitution of Alabama, 1901, Representative Sims requested that the House Journal reflect that the potential of adding elected officials to the State Retirement Systems could be an additional \$2 million expenditure to the taxpayers of the State. Permission was granted for him to file the attached chart which was provided by Legislative Reference Service:

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ESTIMATED LOCAL ELECTED OFFICIAL COUNT
AND AVERAGE SALARIES

	Total Number	Full- time	Part- time	Average Salary	Total Salary
Probate Judge	69	69	-	\$56,093	\$3,870,417
Sheriff	67	67	-	\$41,433	\$2,776,011
Tax Assessor	34	34	-	\$36,125	\$1,228,250
Tax Collector	34	34	-	\$36,125	\$1,228,250
Revenue Commissioner	34	34	-	\$46,471	\$1,580,014
License Commissioner	9	9	-	\$40,278	\$362,502
County Commission Chair	52	19	33	\$29,661	\$1,542,372
County Commissioner	290	50	240	\$16,945	\$4,914,050
Circuit Clerks	67	67	-	\$54,000	\$3,618,000
Registers	3	3	-	\$47,859	\$143,577
District Attorneys	41	41	-	\$77,300	\$3,169,300
Public Service Commission	3	-	3	\$71,667	\$215,000
State Legislature	139	-	139	\$30,000	\$4,170,000
Lieutenant Governor	1	1	-	\$48,000	\$48,000
Speaker of the House	1	-	1	\$48,000	\$48,000
Governor	1	1	-	\$87,643	\$87,643
Attorney General	1	1	-	\$115,695	\$115,695
State Treasurer	1	1	-	\$61,780	\$61,780
Secretary of State	1	1	-	\$61,780	\$61,780
Auditor	1	1	-	\$61,780	\$61,780
Commissioner of Agriculture	1	1	-	\$61,344	\$61,344
Sub-Total:	850	434	416	\$53,808	\$29,363,765
Coroner	67	N/A	N/A	N/A	N/A
Mayors	411	N/A	N/A	N/A	N/A
City Council	2270	N/A	N/A	N/A	N/A
State Board of Education	8	-	8	N/A	N/A
County School Board	344	-	344	N/A	N/A
City School Board	40	-	40	N/A	N/A
Grand total:	3,990	434	808		

Retirement costs assuming 6.99% contribution: 2,052,527

Retirement costs to employee 5% contribution: 1,468,188

N/A - Not available

40 School Superintendents already allowed under Teachers' Retirement System

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 83. CREATING THE FORT MCCLELLAN JOINT INTERIM COMMITTEE TO STUDY FUTURE USES FOR FORT MCCLELLAN.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hall (L), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 625.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Collins, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Mauli, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, H. 625, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 625. Relating to health benefit plans; to provide for the inclusion of obstetricians and gynecologists as primary care physicians; to provide that a health benefit plan may not require a referral from a primary care physician as a condition for the coverage of the services of an obstetrician or gynecologist; and to designate this act as the "Women's Access to Health Care Act."

was taken up.

SUBSTITUTE OFFERED

Representative Hall (L) offered the following substitute to the bill, H. 625:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to health benefit plans; to provide for the inclusion of obstetricians and gynecologists as primary care physicians; to provide that a health benefit plan may not require a referral from a primary care physician as a condition for the coverage of the services of an obstetrician or gynecologist; and to designate this act as the "Women's Access to Health Care Act."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Women's Access to Health Care Act."

Section 2. The Legislature finds that the specialty of obstetrics and gynecology is devoted to primary and preventive health care of women throughout their lifetime. Significant numbers of women view their obstetrician and gynecologist as their primary or only physician. For many women, an obstetrician or gynecologist is often the only physician they see regularly during their reproductive years. A general medical examination was the second most frequently cited purpose for patient visits to obstetricians and gynecologists in 1989 and 1990. Obstetricians and gynecologists refer their patients less frequently than other primary care physicians, thus avoiding costly and time consuming referrals to specialists. Accordingly, it is the intent of the Legislature that women enrolled or covered by health benefit plans have direct access to the services of a participating obstetrician or a participating gynecologist.

Section 3. As used in this act, the following terms shall have the following meanings:

(1) **HEALTH BENEFIT PLAN.** Any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, renewed in this state by a health care insurer, health maintenance organization, accident and sickness insurer, fraternal benefit society, nonprofit hospital service corporation, nonprofit medical service corporation, health care service plan, or any other person, firm, corporation, joint venture, or other similar business entity that pays for, purchases, or furnishes health care services to patients, insureds, or beneficiaries in this state. The term includes, but is not limited to, entities created pursuant to Article 6, Chapter 4, Title 10, Code of Alabama 1975. For the purposes of this act, a health benefit plan located or domiciled outside of the State of Alabama is deemed to be subject to the provisions of this act if it receives, processes, adjudicates, pays, or denies claims for health care services submitted by or on behalf of patients, insureds, or beneficiaries who reside in the State of Alabama or who receive health care services in the State of Alabama.

(2) **OBSTETRICIAN/GYNECOLOGIST.** A physician who is board eligible or board certified by the American Board of Obstetricians and Gynecologists.

(3) **PARTICIPATING OBSTETRICIAN/PARTICIPATING GYNECOLOGIST.** An obstetrician or a gynecologist who is employed by or under contract with a health benefit plan.

(4) **PRIMARY CARE PHYSICIAN.** A physician who has the responsibility for providing initial and primary care to patients, for maintaining the continuity of patient care, and for initiating referrals for specialist care.

Section 4. (a) Each health benefit plan which is issued, delivered, issued for delivery, or renewed in this state on or after October 1, 1996, shall allow obstetricians and gynecologists as primary care physicians. This subsection shall not be construed to require an individual obstetrician or gynecologist to accept primary care physician status if the obstetrician or gynecologist does not wish to be designated as a primary care physician, nor to interfere with the credentialing and other selection criteria usually applied by a health benefit plan with respect to other physicians within its network.

(b) For women not using an obstetrician or gynecologist as their primary care physician, no health benefit plan which is issued, delivered, issued for delivery, or renewed in this state on or after October 1, 1996, shall require as a condition to the coverage of the services of a participating obstetrician or a participating gynecologist that an enrollee, subscriber, or insured first obtain a referral from another primary care physician, it being the intent of this subsection that a woman shall at all times have direct access to the services of a participating obstetrician or a participating gynecologist, or both, under any health benefit plan; provided, however, that the service covered by this subsection shall be limited to those services defined by the published recommendations of the Accreditation Council For Graduate Medical Education for training as an obstetrician or gynecologist, including, but not limited to, diagnosis, treatment, and referral.

Section 5. Any violation of this act shall constitute grounds for suspension or revocation of a license by the Department of Insurance issued to an insurance company or health maintenance organization.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 100; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw,

Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-100

And the bill:

H. 625. Relating to health benefit plans; to provide for the inclusion of obstetricians and gynecologists as primary care physicians; to provide that a health benefit plan may not require a referral from a primary care physician as a condition for the coverage of the services of an obstetrician or gynecologist; and to designate this act as the "Women's Access to Health Care Act."

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 102; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 625, as amended:

Representatives Allen, Bandy, Burke, Carns, Carothers, Carter, Clouse, Ford, Gaines, Haney, Hawkins, Hayden, Johnson (E), Johnson (R), Jorgensen, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Papucci, Payne, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Vance, Warren and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 557, was adopted.

Yeas 81; Nays 6.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representatives Dolbare, Laird, McKee, Parker (P), Seibenhener and Sims.

- 6

And the bill:

H. 557. (With Substitute): To make an appropriation of \$200,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1997, and to require an audited financial statement and operations plan prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 557, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$200,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1997, and to require an audited financial statement and operations plan prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$200,000 to the Alabama Humanities Foundation from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 9.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Dolbare, Gipson, Hall (A), McKee, Parker (P), Robinson, Rogers (M), Seibenhener and Sims.

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And the bill:

H. 557. To make an appropriation of \$200,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1997, and to require an audited financial statement and operations plan prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 15.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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Nay:

Representatives Dolbare, Gaines, Gipson, Hall (A), Jorgensen, Laird, Layson, McKee, Parker (P), Robinson, Rogers (M), Seibenhener, Sims, Smith and Vance.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hall (A), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 468.

Yeas 78; Nays 1.

Yea:

Representatives Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McAdory, McClammy,

McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

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Nay:

Representative Fuller.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 468, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 468. To amend Section 1 of Act No. 95-212 of the 1995 Regular Session, now appearing as Section 34-37-5 of the Code of Alabama 1975, to provide further for the disposition of certain funds of the Alabama Plumbers and Gas Fitters Examining Board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 562, was adopted.

Yeas 91; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-91

Nay:

Representative Parker (P).

And the bill:

H. 562. (With Substitute): To make an appropriation of \$25,000 from the Education Trust Fund for the support and maintenance of the D. Day School in Cherokee County for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 562, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$25,000 from the Education Trust Fund for the support and maintenance of the D. Day School in Cherokee County for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$25,000 out of the funds in the Education Trust Fund to be used for the support and maintenance of the D. Day School in Cherokee County. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

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Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-92

And the bill:

H. 562. To make an appropriation of \$25,000 from the Education Trust Fund for the support and maintenance of the D. Day School in Cherokee County for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-89

Nay:

Representatives Hall (A) and Parker (P).

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Moore, the Budget Isolation Resolution relating to the bill, H. 739, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

And the bill:

H. 739. To make an appropriation of \$30,000 from the Education Trust Fund to the Coffee County Board of Education for the support and maintenance of Project Independence for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson,

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Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-90

Nay:

Representative Gipson.

- 1

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Thomas (D), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 734.

Yeas 75; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Boyd, Burke, Carns, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White, Willis and Wren.

-75

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, H. 734, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J),

Laird, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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H. 734 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 734, and the pending substitute reported by the Standing Committee on Ways and Means were temporarily carried over at the request of Representative Thomas (D).

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Townsend offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 415.

MOTION TO ADJOURN LOST

The motion offered by Representative Dolbare that the House adjourn until 10:00 o'clock a.m., Wednesday, May 8, 1996, was lost.

Yeas 8; Nays 81.

Yea:

Representatives Baker, Black (L), Dolbare, Holmes, Knight (J), Layson, Page and Seibenhener.

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Nay:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne,

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Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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MOTION TO RECESS LOST

The motion offered by Representative Sims that the House recess until 7:30 o'clock p.m. was lost.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Townsend to the bill, H. 415, and the Budget Isolation Resolution was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-88

And the bill:

H. 415. (With Substitute): To make an appropriation of \$30,000 from the Education Trust Fund to the Jefferson County Board of Education for the support and maintenance of the Burkett Center for Multi-Handicapped for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 415, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$30,000 from the Education Trust Fund to the Jefferson County Board of Education for the support and maintenance of the Burkett Center for Multi-Handicapped for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$30,000 out of the funds in the Education Trust Fund to the Jefferson County Board of Education to be used for the support and maintenance of the Burkett Center for Multi-Handicapped. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This act shall become effective on October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L),

Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

-85

And the bill:

H. 415. To make an appropriation of \$30,000 from the Education Trust Fund to the Jefferson County Board of Education for the support and maintenance of the Burkett Center for Multi-Handicapped for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

The rules were suspended in order to permit the Standing Committee on Local Legislation No. 6 to meet later in the day.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 625. Relating to health benefit plans; to provide for the inclusion of obstetricians and gynecologists as primary care physicians; to provide that a health benefit plan may not require a referral from a primary care physician as a condition for the coverage of the services of an obstetrician or gynecologist; and to designate this act as the "Women's Access to Health Care Act."

TOMMY CARTER
Chairman

And the bill, H. 625, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 562. To make an appropriation of \$25,000 from the Education Trust Fund for the support and maintenance of the D. Day School in Cherokee County for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 562, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

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H. 557. To make an appropriation of \$200,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1997, and to require an audited financial statement and operations plan prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 557, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 311.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Townsend and Payne:

H.R. 526. CONGRATULATING HELEN DARNELL WHITTEMORE ON THE OCCASION OF HER 102ND BIRTHDAY.

Also:

By Representatives Johnson (E):

H.R. 527. COMMENDING ALICE GLORIA GRAHAM BEACHER FOR OUTSTANDING ACHIEVEMENTS.

Also:

By Representative Johnson (E):

H.R. 528. COMMENDING THE SENIOR CITIZENS COALITION.

Also:

By Representatives Boyd, Rogers (M), Sims and Willis:

H.R. 529. COMMENDING MURRAY TEMPLE CHRISTIAN METHODIST EPISCOPAL CHURCH ON ITS 110TH ANNIVERSARY.

Also:

By Representative Hall (L):

H.R. 530. CONGRATULATING CARMEN VIRGNELL JACKSON ON HER 16TH BIRTHDAY CELEBRATION.

Also:

By Representative Newton (D):

H.R. 531. RECOGNIZING MRS. BAMA S. GRAY OF FAIRFIELD, ALABAMA.

Also:

By Representatives Kennedy and Fuller:

H.R. 532. COMMENDING WEATHERS BOLT FOR ASSISTING IN THE HOUSE WAYS AND MEANS COMMITTEE'S MOBILE MEETING.

Also:

By Representatives Kennedy and Fuller:

H.R. 533. COMMENDING MEMBERS OF GIRL SCOUT TROOP 488 FLAG CORPS FOR OUTSTANDING PERFORMANCE.

Also:

By Representatives Kennedy and Fuller:

H.R. 534. COMMENDING TIVOLI LASHUNDRA SIMS FOR HER OUTSTANDING MUSICAL PERFORMANCE.

Also:

By Representative Parker (T):

H.R. 535. RECOGNIZING DR. RICHARD A. DIEHL FOR HIS OUTSTANDING PROFESSIONAL CAREER AND UPON HIS SELECTION TO SPEAK TO THE UNITED NATIONS.

Also:

By Representative Sims:

H.R. 536. COMMENDING RAY SCOTT AND URGING STATE ASSISTANCE TO INDIVIDUALS TO DEVELOP A BASS FISHING THEME PARK.

Also:

By Representatives Kennedy and Fuller:

H.R. 537. COMMENDING STEPHANIE WILLIAMS FOR HER OUTSTANDING PERFORMANCE.

Also:

By Representative McAdory:

H.R. 538. HONORING PASTOR THOMAS EARL HUNTER OF MACEDONIA 17TH STREET BAPTIST CHURCH, BIRMINGHAM, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Kennedy and Fuller:

H.J.R. 539. COMMENDING STEPHANIE WILLIAMS FOR HER OUTSTANDING PERFORMANCE.

The resolution, H.J.R. 539, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kennedy and Fuller:

H.J.R. 540. COMMENDING TIVOLI LASHUNDRA SIMS FOR HER OUTSTANDING MUSICAL PERFORMANCE.

The resolution, H.J.R. 540, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kennedy and Fuller:

H.J.R. 541. COMMENDING MEMBERS OF GIRL SCOUT TROOP 488 FLAG CORPS FOR OUTSTANDING PERFORMANCE.

The resolution, H.J.R. 541, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kennedy and Fuller:

H.J.R. 542. COMMENDING WEATHERS BOLT FOR ASSISTING IN THE HOUSE WAYS AND MEANS COMMITTEE'S MOBILE MEETING.

The resolution, H.J.R. 542, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Townsend and Payne:

H.J.R. 543. CONGRATULATING HELEN DARNELL WHITTEMORE ON THE OCCASION OF HER 102ND BIRTHDAY.

The resolution, H.J.R. 543, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Boyd, Rogers (M), Sims and Willis:

H.J.R. 544. COMMENDING MURRAY TEMPLE CHRISTIAN METHODIST EPISCOPAL CHURCH ON ITS 110TH ANNIVERSARY.

The resolution, H.J.R. 544, was read and referred to the Standing Committee on Rules.

Also:

By Representative Parker (T):

H.J.R. 545. RECOGNIZING DR. RICHARD A. DIEHL FOR HIS OUTSTANDING PROFESSIONAL CAREER AND UPON HIS SELECTION TO SPEAK TO THE UNITED NATIONS.

The resolution, H.J.R. 545, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Box, Carns, McMillan, Kennedy and Fuller:

H.R. 546. URGING THE CONGRESS OF THE UNITED STATES TO PASS S. 1629, THE TENTH AMENDMENT ENFORCEMENT ACT OF 1996.

The resolution, H.R. 546, was read and referred to the Standing Committee on Rules.

Also:

By Representative Box:

H.J.R. 547. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL LADY YELLOW JACKET GOLF TEAM OF MOBILE, ALABAMA.

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The resolution, H.J.R. 547, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Box, Carns, McMillan, Kennedy and Fuller:

H.J.R. 548. URGING THE CONGRESS OF THE UNITED STATES TO PASS S. 1629, THE TENTH AMENDMENT ENFORCEMENT ACT OF 1996.

The resolution, H.J.R. 548, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 112. HONORING MIRIAM P. ZEIGLER FOR HER PROFESSIONAL ACHIEVEMENTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 112, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 549. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL LADY YELLOW JACKET GOLF TEAM OF MOBILE, ALABAMA.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 415. To make an appropriation of \$30,000 from the Education Trust Fund to the Jefferson County Board of Education for the support and maintenance of the Burkett Center for Multi-Handicapped for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 415, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Windom:

S.J.R. 114. COMMENDING THE COACHES CLUB FOR OUTSTANDING COMMUNITY SERVICE TO BAYOU LA BATRE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 114, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Windom:

S.J.R. 115. MOURNING THE DEATH OF SIDNEY J. IRBY, SR, OF MOBILE, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 115, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolution mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 2:20 P.M. on May 7, 1996.

H. 431 (CONSTITUTIONAL AMENDMENT)

Delivered to the Secretary of State at 2:21 P.M. on May 7, 1996.

H. 469 (CONSTITUTIONAL AMENDMENT)

H. 418 (CONSTITUTIONAL AMENDMENT)

Delivered to the Governor at 2:22 P.M. on May 7, 1996.

H. 122

H. 584

H. 479

H. 554

Delivered to the Secretary of State at 3:40 P.M. on May 7, 1996.

H. 754 (CONSTITUTIONAL AMENDMENT)

H. 752 (CONSTITUTIONAL AMENDMENT)

Delivered to the Governor at 3:40 P.M. on May 7, 1996.

H. 764	H. 720
H. 767	H. 719
H. 772	H. 722
H. 773	H. 723
H. 658	H. 763
H. 681	H. 650
H. 703	H. 660
H. 704	H. 661
H. 705	H. 740
H. 714	H. 988

Delivered to the Governor at 4:33 P.M. on May 7, 1996.

H.J.R. 83

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Knight (J), the House adjourned until 10:00 o'clock a.m., Wednesday, May 8, 1996.

Yeas 49; Nays 34.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Clouse, Dean, Dolbare, Drake, Ford, Gaines, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Knight (J), Laird, Layson, McAdory, McClammy, Melton, Morrison, Morton, Newton (C), Newton (D), Page, Payne, Penry, Perdue, Pringle, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Townsend, Turner and Willis.

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Nay:

Representatives Black (M), Burke, Carothers, Collins, Crigler, Curry, Fuller, Gaston, Guin, Hammett, Hill, Hogan, Holmes, Johnson (R), Knight (A), Lindsey, McDaniel, McKee, Millican, Minnifield, Mitchell, Moore, Murphree, Papucci, Parker (P), Petelos, Reed, Rogers (M), Smith, Thomas (D), Turnham, Venable, Warren and Wren.

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TWENTY-EIGHTH DAY

**House of Representatives
Montgomery, Alabama
Wednesday, May 8, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Elder Bruce Hudgins, Christian Life Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Caroline Flannagin, 10th Grade, Muscle Shoals High School.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-seventh legislative day was dispensed with.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 342. Relating to DeKalb County; providing for an advisory referendum on the election of members of the county commission.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 152. To make it unlawful to destroy or deface traffic signs or to deface public buildings or public property; to provide that parents of minors who are convicted of destroying or defacing traffic signs or defacing public buildings or public property would be liable for the actual damages caused by the minor; and to provide for penalties.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 835. Relating to Crenshaw County; provides that this act shall be designated as "Crenshaw 1st," an act of Crenshaw countians helping Crenshaw countians; authorizing the Crenshaw County Commission to levy certain additional taxes; to provide for the collection, distribution and use of the proceeds of such taxes; to provide for the enforcement of this act by the State Department of Revenue; to prescribe penalties and fix punishment for violation of this act; and to provide that the authorization of the county governing body to levy the additional taxes authorized in this act must first be approved by a majority of the electors of Crenshaw County in a referendum.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 928. Relating to Montgomery County; providing further for the compensation of the elected official in the Office of the Revenue Commissioner.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 550. COMMENDING SYBIL GODWIN WEAVER FOR HER OUT-
STANDING CONTRIBUTIONS TO PUBLIC EDUCATION.

LEAVE OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative Black (L).

HOUSE BILLS INDEFINITELY POSTPONED

On motion of Representative Hammett, all House Bills remaining on the Calendar when the House adjourns on the twenty-eighth legislative day will be indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 300. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 300, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1997, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section

2 of this Act, the amounts specified in Sections 3 and 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ETF" shall mean the Education Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Education Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1997, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

ETF	Earmarked Funds	Appropriation Total
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SECTION 3.

STATE AGENCIES:

1. AMERICAN LEGION AND
AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational
Activities Program.....

82,471

SOURCE OF FUNDS:

(1) ETF.....	82,471	
Total American Legion and Auxiliary Scholarships.....	82,471	82,471

To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4.

2. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Education Management Program.....		485,000
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SOURCE OF FUNDS:

(1) ETF.....	485,000	
Total Department of Archives and History.....	485,000	485,000

3. ARTS, STATE COUNCIL ON THE:

(a) Fine Arts Program.....		3,568,423
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SOURCE OF FUNDS:

(1) ETF.....	3,008,423	
(2) Federal and Local Funds.....		560,000
Total State Council on the Arts.....	3,008,423	560,000
		3,568,423

4. BUILDING COMMISSION, STATE:

(a) Special Services Program.....		540,206
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SOURCE OF FUNDS:

(1) ETF.....	540,206	
Total State Building Commission.....	540,206	540,206

5. BUSKEY MATCHING FUNDS -
PENNY TRUST FUND:

(a) Special Services Program,
Estimated..... 15,000

SOURCE OF FUNDS:

(1) ETF..... 15,000

Total Buskey Matching Funds - Penny
Trust Fund..... 15,000 15,000

In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

6. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program..... 991,230

In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ETF..... 991,230

Total Child Abuse and Neglect
Prevention Board..... 991,230 991,230

7. DEBT SERVICE:

(a) Debt Service Program..... 1,261,510

For payments on endowments as
follows:

For payments on interest and principal
of General Obligation Refunding
Bonds 1992, Series A & B. .212,915

In addition to the above appropriation
for payments on interest and
principal of General Obligation
Refunding Bonds 1992, Series A
and B, there is hereby appropriated

\$12,084,216 from the ETF to be conditioned on the availability of funds in the ETF and the approval of the Governor.

For interest and principal on University of Montevallo (Alabama College) Endowment.....433,851

For interest on Auburn University Endowment.....20,280

For interest on University of Alabama Endowment.....61,000

For interest on Grove Hill Endowment.....600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated.....410,000

Interest on School Indemnity Lands, Estimated.....90,000

Interest on Valueless 16th Section Lands.....5,825

Interest on Surplus Revenue.....26,764

Interest on James Wallace Fund....275

Total Interest on Public School Fund Endowment.....532,864

SOURCE OF FUNDS:

(1) ETF.....	<u>1,261,510</u>	
Total Debt Service.....	<u>1,261,510</u>	<u>1,261,510</u>

8. DENTAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....		121,854
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SOURCE OF FUNDS:

(1) ETF..... 121,854

Total Board of Dental Scholarship
Awards..... 121,854 121,854

To be expended under the provisions
of Code of Alabama 1975, Sections
16-47-76 through 16-47-81.

9. DRUG EDUCATION AND AWARE-
NESS OVERSIGHT COUNCIL:

(a) Support of Other Educational
Activities Program..... 743,253

SOURCE OF FUNDS:

(1) ETF..... 743,253

Total Drug Education and Awareness
Oversight Council..... 743,253 743,253

To be expended under the provisions
of Code of Alabama 1975, Sections
41-25-1 through 41-25-5.

10. EDUCATION, STATE BOARD
OF - K - 12 FOUNDATION
PROGRAM:

(a) Foundation Program..... 2,356,157,948

(b) Transportation Program..... 139,253,188

(c) Board of Adjustment..... 450,000

(d) Endowment Interest Program -
Public School Fund..... 532,864

(e) Hold Harmless Program - Public
School Fund..... 9,672,083

(f) Capital Outlay Program - Public
School Fund..... 59,327,917

SOURCE OF FUNDS:

(1) ETF.....	2,342,117,787	
(2) Public School Fund.....		69,532,864
(3) Local Funds.....		153,743,349

Total State Board of Education - K-12

Foundation Program.....	2,342,117,787	223,276,213	2,565,394,000
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The above appropriation shall be distributed by the State Board of Education in accordance with the provisions of the Code of Alabama 1975, Sections 16-13-230 through 16-13-239, and all other laws and regulations of the State Board of Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state. Foundation Program calculations for FY 1996-97 are based on the funding divisors set forth below. Such divisors shall not serve to prescribe pupil-teacher ratios, but it is the intent of the Legislature that class sizes for the 1996-97 academic year be reduced from the class sizes actually experienced in the 1995-96 academic year:

Grades K-3:15

Grades 4-6:23

Grades 7-8:22

Grades 9-12:19

In allocating the funds in subsection (a) the State Board of Education shall allot funds based on the rates established as follows: For "Salaries of Teachers" the Foundation Program shall use the state salary matrix below:

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<u>Years</u>	<u>BS</u>	<u>MS</u>	<u>6Y</u>	<u>DO</u>	<u>ND</u>
exp < 3	25,882	29,764	32,093	34,423	25,882
3 ≤ exp < 6	28,470	32,740	35,303	37,865	28,470
6 ≤ exp < 9	28,858	33,187	35,784	38,381	28,858
9 ≤ exp < 12	29,246	33,633	36,265	38,898	29,246
12 ≤ exp < 15	29,634	34,080	36,747	39,414	29,634
15 ≤ exp < 18	30,023	34,526	37,228	39,930	30,023
18 ≤ exp < 21	30,411	34,973	37,710	40,447	30,411
21 ≤ exp < 24	30,799	35,419	38,191	40,963	30,799

For "Fringe Benefits" the rate per day for two personal days and five sick days (for units earned in the Foundation Program) shall be \$35. The Teachers' Retirement System rate shall be 9.23% of salaries and the Public Education Employees' Health Insurance Program rate shall be \$190 per month for each full-time employee. In addition to the above appropriation from the Foundation Program for the Public Education Employees' Health Insurance Board, there is hereby appropriated to the Foundation Program for the Public Education Employees' Health Insurance Program from the ETF such additional amount as may be necessary to fully fund health claims plus maintain a 15% reserve in the Public Education Employees' Health Insurance Program Fund based on claims paid in the fiscal year beginning October 1, 1996. At the end of each quarter of the fiscal year beginning October 1, 1996, the Public Education Employees' Health Insurance Program Board shall certify to the State Finance

Director and the Legislative Fiscal Officer the amount of paid claims for that quarter and the Board's best estimate of the amount necessary to pay claims for the remainder of the fiscal year and the amount necessary to maintain a 15% reserve based on such estimate for the fiscal year ending September 30, 1997. By September 15, 1997, the Public Education Employees' Health Insurance Program Board shall certify to the State Finance Director and the Legislative Fiscal Officer the amount of paid claims through August 31, 1997. The State Finance Director shall direct that the additional amount necessary to insure that the Public Education Employees' Health Insurance Program actual claims paid through August 31, 1997 and a reasonable estimate of claims to be paid in September 1997 based on actual paid claims through August are fully paid plus the additional amount necessary for the maintenance of a 15% reserve based on paid claims for fiscal year 1997 shall be transferred from the ETF to the Public Education Employees' Health Insurance Program Fund, such transfer must be made prior to September 30, 1997.

For "Classroom Instructional Support" the uniform amounts used in determining the Foundation Program allowance for classroom instructional support shall be: (1) classroom materials and supplies at \$500 per unit earned in the Foundation Program; (2) textbooks at \$50 per pupil in average daily membership during the first forty scholastic days of the preceding school year; (3) technology at \$200

per unit earned in the Foundation Program; (4) professional development at \$60 per unit earned in the Foundation Program; (5) library enhancement at \$135 per unit earned in the Foundation Program. The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Not less than 50% of the above appropriation is to be expended for books. Other expenditures may include book binding, repair, CD ROMs, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes. Notwithstanding the foregoing, the budgeting and expenditure of funds in subsection (a) at the local level shall be determined and made by the local board of education in accordance with rules and regulations of the State Board of Education and all laws governing such school budgets and expenditures.

11. EDUCATION, STATE BOARD
OF - POSTSECONDARY PRISON
EDUCATION:

(a) Operations and Maintenance.....	9,021,725
(b) Pay Increase-4%.....	299,096

SOURCE OF FUNDS:

(1) ETF.....	<u>9,320,821</u>	
Total State Board of Education - Postsecondary Prison Education.....	<u>9,320,821</u>	<u>9,320,821</u>

(1) The Operations and Maintenance appropriation above of \$9,021,725 to the State Board of Education for Postsecondary Prison Education is to be distributed to colleges listed herein on a needs basis as determined by the State Board of Education pursuant to a recommendation by the Chancellor. The

allocations required herein shall be distributed among the following colleges: (1) John C. Calhoun State Community College; (2) Jefferson Davis State Community College; (3) Gadsden State Community College; (4) J.F. Ingram State Technical College; (5) Theodore A. Lawson State Community College; and (6) Chauncey Sparks State Technical College.

(2) Pay-Raise-Each community, junior and technical college listed in (1) above shall receive the proportionate amount necessary to fund a 4% salary increase.

12. EDUCATION, STATE BOARD
OF - POSTSECONDARY SKILLS
TRAINING AND EDUCATION:

(a) Operations and Maintenance.....	22,447,250
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SOURCE OF FUNDS:

(1) Federal and Local Funds.....	22,447,250	
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Total State Board of Education - Postsecondary Skills Training and Education.....	22,447,250	22,447,250
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13. EDUCATION, STATE BOARD
OF - TWO-YEAR COLLEGE
SYSTEM:

(a) Operations and Maintenance.....	184,186,275	106,392,444	290,578,719
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(b) Coosa Valley Nursing Program at Central Alabama Community College.....	99,696		99,696
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(c) Pay Increase-4%.....	6,848,024		6,848,024
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(d) Auxiliary Enterprises.....		17,261,125	17,261,125
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(e) Restricted Funds.....		78,770,359	78,770,359
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SOURCE OF FUNDS:

(1) ETF.....	191,133,995		
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(2) Federal and Other Funds.....		202,423,928	
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Total State Board of Education - Two-Year College System.....	191,133,995	202,423,928	393,557,923
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(1) Each community, junior and technical college shall receive the same proportionate share from the appropriation for Operations and Maintenance as was received during the 1995-96 fiscal year for Operations and Maintenance and Fringe Benefits.

(2) Pay Raise-Each community, junior and technical college shall receive the proportionate amount necessary to fund a 4% salary increase.

(3) The allocations required herein shall be distributed among the following colleges: (1) Alabama Aviation and Technical College; (2) Alabama Southern Community College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Beville State Community College; (6) S.D. Bishop State Community College; (7) John C. Calhoun State Community College; (8) Central Alabama Community College (including Coosa Valley Nursing Program); (9) Chattahoochee Valley State Community College; (10) J.F. Drake State Technical College; (11) Enterprise State Junior College; (12) Faulkner State Community College; (13) Gadsden State Community College; (14) J.F. Ingram State Technical College; (15) Jefferson Davis State Community College; (16) Jefferson State Community College; (17) Theodore A. Lawson State Community College; (18) Lurleen B. Wallace State Junior College; (19) Douglas MacArthur State Technical College; (20) Northeast Alabama State Community College; (21) Northwest-Shoals Community College; (22) John M. Patterson State Technical College; (23) Ed E. Reid State Technical College; (24) Shelton State Community College; (25) Snead State Community College; (26) Chauncey Sparks State Technical College; (27) Southern Union State Community College; (28) Council Trenholm State Technical College; (29) George C. Wallace State Community College (Dothan); (30) George C. Wallace State Community College (Hanceville); (31) George C. Wallace State Community College (Selma).

14. EDUCATION, STATE DEPARTMENT OF:

(a) Administrative Services Program....

53,101,387

The proposed spending plan for the ETF monies included in the above program is as follows:

Operations and Maintenance of Department.....15,277,077

Alabama Young Farmers Education Program.....45,252

To be administered by the Houston County Board of Education.

Alabama Teachers of the Year
Program.....25,000

Dropout Prevention Pilot
Project.....125,000

The pilot project for dropout prevention is hereby funded in an urban location, to allow dropouts or students whose education was interrupted for disciplinary reasons to complete their high school diplomas, or G.E.D. preparation, or vocational training (for age-qualified students). Two or more local boards of education shall participate in the pilot project, and the boards may provide the services or may contract for the services. The activities, expenditures and results of this pilot project shall be reported to the State Superintendent of Education not later than December 1, 1997.

Civic Education Project.....100,000

Citizenship and Character and Leadership Education.....350,000

Alabama Science in Motion
Program.....2,475,000

It is the intent of the Legislature that all unexpended and unencumbered funds remaining from the appropriation to the Alabama Science in Motion Program, previously made in Act 95-748, which would otherwise revert, shall not revert but are hereby reappropriated for the fiscal year ending September 30, 1997.

Alabama Writing Project.....100,000

Alabama Center for Law and Civic
Education.....56,000

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SOURCE OF FUNDS:

(1) ETF.....	18,553,329		
(2) Federal and Local Funds.....		<u>34,548,058</u>	
Total Administrative Services Program.....	<u>18,553,329</u>	<u>34,548,058</u>	<u>53,101,387</u>
(b) Adult Basic Education Program.....			13,705,670

SOURCE OF FUNDS:

(1) ETF.....	4,927,646		
(2) Federal and Local Funds.....		<u>8,778,024</u>	
Total Adult Basic Education Program...	<u>4,927,646</u>	<u>8,778,024</u>	<u>13,705,670</u>
(c) Community Education Program.....			1,022,645

SOURCE OF FUNDS:

(1) ETF.....	811,296		
(2) Federal and Local Funds.....		<u>211,349</u>	
Total Community Education Program...	<u>811,296</u>	<u>211,349</u>	<u>1,022,645</u>
(d) At-Risk Student Program.....			28,000,000

SOURCE OF FUNDS:

(1) ETF.....	<u>28,000,000</u>		
Total At-Risk Student Program.....	<u>28,000,000</u>		<u>28,000,000</u>

The above appropriation shall be used to develop programs that address the needs of at-risk students as defined by the State Board of Education. These programs shall provide additional services that increase the amount and quality of instructional time with extended learning time opportunities including but not limited to before and after school programs, summer

programs, tutoring programs, weekend programs, and alternative schools. A portion of the appropriation may also be used for training parents and teachers to work with at-risk students and to provide services that meet identified critical needs of at-risk students.

(e) Financial Assistance Program.....

349,156,698

The proposed spending plan for the ETF monies included in the above program is as follows:

Financial Assistance - Pre-School Program.....2,512,096

State Occupational Information Coordinating Committee.....150,000

Teacher In-service Centers. .2,649,463

The State Board of Education shall administer the In-service Educational Centers and shall monitor said centers for compliance with established accountability standards. The above appropriation is to be made to each in-service center based on the number of Foundation Program teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1995-96, and the number of teachers employed as reported on the 1995-96 LEA Personnel Report. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.

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SOURCE OF FUNDS:

(1) ETF.....	5,311,559		
(2) Federal and Local Funds.....		343,845,139	
Total Financial Assistance Program.....	5,311,559	343,845,139	349,156,698

(f) Instructional Technical Assistance Program.....			150,000
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The proposed spending plan for the
ETF monies included in the above
program is as follows:

Teaching Children With Disabilities
Administration Program.....100,000

National Geographic Grant-Matching
Funds.....50,000

SOURCE OF FUNDS:

(1) ETF.....	150,000		
Total Instructional Technical Assistance Program.....	150,000		150,000

(g) Support of Other Educational Activities Program.....			12,750
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The proposed spending plan for the
ETF monies included in the above
program is as follows:

Education of Dependents of Blind
Parents.....12,750

SOURCE OF FUNDS:

(1) ETF.....	12,750		
Total Support of Other Educational Activities Program.....	12,750		12,750

For reimbursement of every state institution of higher learning, college, university, community college, technical college, or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.

(h) Multi-System Evaluation Center Program.....	200,000
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Of the above appropriation to the Multi-System Evaluation Center, it is the intent of the Legislature that \$75,000 shall be utilized to continue a multi-system evaluation center in West Alabama.

SOURCE OF FUNDS:

(1) ETF.....	200,000
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Total Multi-System Evaluation Center Program.....	200,000	200,000
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(i) National Board for Professional Teaching Standards.....	100,000
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Alabama Teachers desiring to take the examination shall apply for funding. A panel consisting of the State Superintendent of Education, the Executive Secretary of the Alabama Education Association, and the Deans of the Colleges of Education of Auburn University, Alabama A&M University, Alabama State University, and the University of Alabama (or their designees) shall review and screen the applicants and choose the recipients. The panel shall require recipients to commit to teach in Alabama public K-12 schools for an additional period of five years unless an exception is granted by the panel for good cause.

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SOURCE OF FUNDS:

(1) ETF.....	100,000	
Total National Board for Professional Teaching Standards.....	100,000	100,000
(j) The Education Alternative.....		80,000

SOURCE OF FUNDS:

(1) ETF.....	80,000	
Total The Education Alternative.....	80,000	80,000
(k) Disability Determination for Social Security Program.....		33,020,589

SOURCE OF FUNDS:

(1) Federal and Local Funds.....	33,020,589	
Total Disability Determination for Social Security Program.....	33,020,589	33,020,589

TOTAL DEPARTMENT OF
EDUCATION:

SOURCE OF FUNDS:

(1) ETF.....	58,146,580	
(2) Federal and Local Funds.....	420,403,159	
GRAND TOTAL STATE DEPARTMENT OF EDUCATION.....	58,146,580	420,403,159 478,549,739

15. EDUCATIONAL TELEVISION
COMMISSION:

(a) Educational Television and Public Radio Service Program.....	6,933,639
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Of the above appropriation, \$150,000 shall be allocated for the "Discovering Alabama" TV series.

(b) Capital Outlay Program.....	127,500
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The above appropriation is for equipment replacement/upgrade purposes.

SOURCE OF FUNDS:

(1) ETF.....	5,976,389		
(2) Federal and Local Funds.....		1,084,750	
Total Educational Television Commission.....	5,976,389	1,084,750	7,061,139

16. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:

(a) Educational Audit Services Program.....		1,823,994
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SOURCE OF FUNDS:

(1) ETF.....	1,823,994	
Total Department of Examiners of Public Accounts.....	1,823,994	1,823,994

17. FAMILY PRACTICE RURAL HEALTH BOARD:

(a) Family Practice Rural Health Program.....		733,540
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SOURCE OF FUNDS:

(1) ETF.....	733,540	
Total Family Practice Rural Health Board.....	733,540	733,540

18. FINANCE, DEPARTMENT OF - TELECOMMUNICATIONS DIVISION, TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....		3,484,957
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SOURCE OF FUNDS:

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(1) ETF-Transfer.....	<u>3,484,957</u>		
Total Department of Finance - Telecommunications Division, Telephone Revolving Fund.....	<u>3,484,957</u>		<u>3,484,957</u>

The Telephone Revolving Fund shall assess to using agencies and institutions any additional amount necessary to provide continuing non-interrupted service of a minimum maintenance level.

19. FINE ARTS, ALABAMA SCHOOL OF:

(a) Fine Arts Program.....			4,165,857
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SOURCE OF FUNDS:

(1) ETF.....	<u>3,488,403</u>		
(2) Federal and Local Funds.....		<u>677,454</u>	
Total Alabama School of Fine Arts.....	<u>3,488,403</u>	<u>677,454</u>	<u>4,165,857</u>

20. FIREFIGHTERS' PERSONNEL STANDARDS AND EDUCATION COMMISSION, ALABAMA/ALABAMA STATE FIRE COLLEGE-SHELTON STATE COMMUNITY COLLEGE:

(a) Operations and Maintenance.....	2,797,061	1,439,115	4,236,176
(b) Pay Increase-4%.....	53,824		53,824
(c) Auxiliary Enterprises.....		<u>1,240,811</u>	<u>1,240,811</u>

SOURCE OF FUNDS:

(1) ETF.....	<u>2,850,885</u>		
(2) Federal and Other Funds.....		<u>2,679,926</u>	

Total Alabama Firefighters' Personnel Standards and Education Commission/Alabama State Fire College - Shelton State Community College.....	<u>2,850,885</u>	<u>2,679,926</u>	<u>5,530,811</u>
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Of the above O & M appropriation of \$2,797,061 from the ETF, the sum of \$63,545 shall be used for training and instructional equipment and the development and delivery of hazardous materials training. In addition to the above appropriation, there is hereby appropriated \$3,000,000 to be conditioned on the availability of funds in the ETF and the approval of the Governor.

21. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program.....	2,536,808
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The proposed spending plan for the ETF monies included in the above program is as follows:

Operations and Maintenance.....	2,536,808
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SOURCE OF FUNDS:

(1) ETF.....	2,536,808	
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Total Planning and Coordination Services Program (Total Operations).....	2,536,808	2,536,808
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(b) Student Financial Aid Program.....		10,700,373
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The proposed spending plan for the ETF monies included in the above program is to be distributed through ACHE as follows:

(1) Educational Grants Program.....	5,600,000
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(2) Alabama National Guard Educational Assistance.....	600,000
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To be expended in accordance with
Code of Alabama 1975, Sections
31-10-1 through 31-10-4 and
Sections 31-10-20 through
31-10-25.

(3) Teacher Education Scholarship
Loan Program.....1,900,000

To be expended in accordance with
Code of Alabama 1975, Section
16-23-24.

(4) Chiropractic Scholarships.....37,986

To be expended in accordance with
Code of Alabama 1975, Section
16-5-11.

(5) Policeman's Survivor Tuition,
Estimated.....60,000

To be expended under the provisions
of Code of Alabama 1975, Section
36-21-105.

(6) Alabama Student Assistance
Program.....1,547,471

SOURCE OF FUNDS:

(1) ETF.....	9,745,457		
(2) Federal and Local Funds.....		954,916	
Total Student Financial Aid Program....	9,745,457	954,916	10,700,373
(c) Support of Other Educational Activities Program.....			3,132,429

The proposed spending plan for the
ETF monies included in the above
program is to be distributed through
ACHE as follows:

(1) Network of Alabama Academic
Libraries (NAAL).....400,000

- (2) Southern Regional Education Board (SREB).....620,540
- (3) EPSCoR-National Science Foundation Program.....600,000
- (4) Computer-Based Articulation System.....446,461

To fund Troy State University for developing and operating a state-wide computer-based articulation system to serve all four-year and two-year postsecondary institutions in the State of Alabama.

- (5) Alabama Small Business Development Consortium.....250,000
- (6) Governor's Commission on Historically Black Colleges and Universities.....100,000

To be expended pursuant to Executive Order No. 21.

SOURCE OF FUNDS:

(1) ETF.....	2,417,001		
(2) Federal and Local Funds.....		715,428	
Total Support of Other Educational Activities Program.....	2,417,001	715,428	3,132,429
(d) Alabama Guaranteed Student Loan Program.....			5,573,084

SOURCE OF FUNDS:

(1) Federal and Local Funds.....		5,573,084	
Total Alabama Guaranteed Student Loan Program.....		5,573,084	5,573,084

TOTAL ALABAMA COMMISSION ON
HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ETF.....	14,699,266		
(2) Federal and Local Funds.....		7,243,428	
GRAND TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION.....	14,699,266	7,243,428	21,942,694

22. HUMAN RESOURCES, DEPART-
MENT OF:

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program.....	4,134,058
(b) JOBS Child Care and After School Child Care Program.....	3,671,195

SOURCE OF FUNDS:

(1) ETF.....	7,805,253	
Total Department of Human Resources.....	7,805,253	7,805,253

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$600,000 shall be used to contract with the Department of Education-Adult Basic Education Program for educational services to JOBS participants; \$99,000 shall be expended for the HERO Program in Hale County; \$25,000 for the Essie Floyd Daycare Center; \$20,000 for the Stillman Day Care Center; and \$100,000 for the Brantwood Children's Home. None of the monies appropriated to the JOBS Child Care and After School Child Care Program shall be used to supplant or decrease any existing support or other funding for the subsidized child care program.

23. INDUSTRIAL DEVELOPMENT
TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program.....	1,839,901	1,839,901
(b) Pay Increase-4%.....	107,796	107,796
(c) Industrial Development Program.....	6,676,273	6,676,273

SOURCE OF FUNDS:

(1) ETF.....	8,623,970	
Total Alabama Industrial Development Training Institute.....	8,623,970	8,623,970

Of the above appropriation to the Alabama Industrial Development Training Institute, \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program; \$500,000 shall be expended to fund the operations of the Michelin Training Center; \$500,000 shall be expended for Michelin training at Shelton State Community College; \$300,000 shall be expended for the Job Corps Training Center at Council Trenholm State Technical College; \$250,000 shall be expended for the Job Retraining/Economic Development Cooperative related to Military Base Closure in Calhoun County; and \$250,000 shall be expended for the Alabama Southern Community College for Paper/Chemical Production Training. In addition to the above appropriation there is hereby appropriated \$5,000,000 for reimbursement to Mercedes for training costs to be conditioned upon the availability of funds in the ETF and the approval of the Governor. This appropriation shall be the second priority conditional and shall be released in full by the Governor, after the first priority conditionals, and before any other conditional appropriations from the ETF may be released.

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24. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational
Activities Program..... 51,000

SOURCE OF FUNDS:

(1) ETF..... 51,000

Total Alabama Law Institute..... 51,000 51,000

25. LIBRARY SERVICE, ALABAMA
PUBLIC:

(a) Public Library Service Program..... 8,993,550

SOURCE OF FUNDS:

(1) ETF..... 7,281,148

(2) Federal and Local Funds..... 1,712,402

Total Alabama Public Library Service... 7,281,148 1,712,402 8,993,550

Of the above appropriation, a minimum
of \$4,549,347 is to be distributed to
the public libraries within the state.

26. MARINE ENVIRONMENTAL
SCIENCES CONSORTIUM:

(a) Support of Other Educational
Activities Program..... 3,361,884

SOURCE OF FUNDS:

(1) ETF..... 2,538,351

(2) Federal and Other Funds..... 823,533

Total Marine Environmental Sciences
Consortium..... 2,538,351 823,533 3,361,884

27. MATHEMATICS AND SCIENCE,
ALABAMA SCHOOL OF:

(a) Mathematics and Science
Program..... 4,987,575

SOURCE OF FUNDS:

(1) ETF.....	4,963,575		
(2) Federal and Local Funds.....		24,000	
Total Alabama School of Mathematics and Science.....	4,963,575	24,000	4,987,575

28. MEDICAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	1,318,721
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SOURCE OF FUNDS:

(1) ETF.....	468,721		
(2) Federal and Local Funds.....		850,000	
Total Board of Medical Scholarship Awards.....	468,721	850,000	1,318,721

To be expended under the provisions
of Code of Alabama 1975, Sections
16-47-121 through 16-47-129.

29. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Mental Illness Program.....	8,847,187
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Of the above appropriation, \$300,000
shall be expended for Alzheimer's
Disease Education and Training.

(b) Mental Retardation Program.....	5,536,509
(c) Substance Abuse Program.....	788,979

SOURCE OF FUNDS:

(1) ETF.....	15,172,675		
Total Department of Mental Health and Mental Retardation.....	15,172,675		15,172,675

The Department of Mental Health and Mental Retardation shall enter into contracts with local school systems to reimburse those school systems for education and education-related services provided to children under the care of the Department of Mental Health and Mental Retardation.

30. MONTGOMERY INTERNAL
MEDICINE RESIDENCY
PROGRAM:

(a) Support of Other Educational Activities Program.....	191,000
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SOURCE OF FUNDS:

(1) ETF.....	191,000	
Total Montgomery Internal Medicine Residency Program.....	191,000	191,000

The above appropriation to the Montgomery Internal Medicine Residency Program from the ETF shall be in addition to the funds received by said program from the University of Alabama at Birmingham (UAB), and the funds allocated to the Montgomery Internal Medicine Residency Program from UAB shall not be diminished from the amount allocated in fiscal year 1995-96.

31. MUSIC HALL OF FAME,
ALABAMA:

(a) Support of Other Educational Activities Program.....	145,800
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SOURCE OF FUNDS:

(1) ETF.....	145,800	
Total Alabama Music Hall of Fame.....	145,800	145,800

32. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Licensing and Regulation Program.....	57,000
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SOURCE OF FUNDS:

(1) ETF-Transfer.....	57,000	
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As provided in Code of Alabama 1975,
Sections 34-21-60 through
34-21-63 for Graduate Nursing
Scholarships.

Total Alabama Board of Nursing.....	57,000	57,000
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33. OPTOMETRIC SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	103,160
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SOURCE OF FUNDS:

(1) ETF.....	103,160	
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Total Board of Optometric Scholarship Awards.....	103,160	103,160
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To be expended under the provisions
of the Code of Alabama 1975,
Sections 34-22-60 through
34-22-65.

34. PEACE OFFICERS' STANDARDS
AND TRAINING COMMISSION,
ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	405,136
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(b) Certified Law Enforcement Acade- my Program.....	1,062,900
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Of the above appropriation for the
Certified Law Enforcement Academy
Program, the \$612,900 of ETF
monies included therein shall be
expended as follows:

Northeast Police Academy.....159,354
University of Alabama.....159,354
Southwest Police Academy.....159,354
Alabama Police Academy.....85,806
Montgomery Police Academy....49,032
Total.....612,900

SOURCE OF FUNDS:

(1) ETF.....	1,018,036		
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51.....		<u>450,000</u>	
Total Alabama Peace Officers' Standards and Training Commission.....	<u>1,018,036</u>	<u>450,000</u>	<u>1,468,036</u>

35. POSTSECONDARY EDUCATION
DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program.....			2,786,820
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SOURCE OF FUNDS:

(1) ETF.....	2,354,336		
(2) Federal and Local Funds.....		<u>432,484</u>	
Total Postsecondary Education Department.....	<u>2,354,336</u>	<u>432,484</u>	<u>2,786,820</u>

36. SOIL AND WATER CONSERVATION COMMITTEE, STATE:

(a) Soil Conservation Program.....	21,250
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SOURCE OF FUNDS:

(1) ETF.....	<u>21,250</u>	
Total State Soil and Water Conservation Committee.....	<u>21,250</u>	<u>21,250</u>

37. SPORTS HALL OF FAME, ALABAMA:

(a) Scholarship Program.....	200,000
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SOURCE OF FUNDS:

(1) ETF.....	<u>200,000</u>	
Total Alabama Sports Hall of Fame.....	<u>200,000</u>	<u>200,000</u>

38. SUPERCOMPUTER AUTHORITY, ALABAMA:

(a) Administrative Support Services Program.....	6,196,057
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The above appropriation is to be expended in accordance with Sections 41-10-390 through 41-10-406, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ETF-Transfer.....	5,000,000	
(2) Supercomputer Revolving Fund, Estimated.....	<u>1,196,057</u>	
Total Alabama Supercomputer Authority.....	<u>5,000,000</u>	<u>1,196,057</u>
		<u>6,196,057</u>

In addition to the above appropriation, there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the ETF and the approval of the Governor. This appropriation shall be the third priority conditional appropriation from the ETF and shall be released by the Governor (after the first and second priority conditionals) prior to the release of any other conditional appropriations from the ETF.

39. TENURE COMMISSION, STATE:

(a) Regulation Program..... 8,264

SOURCE OF FUNDS:

(1) ETF.....	8,264	
Total State Tenure Commission.....	8,264	8,264

40. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program, Estimated..... 6,038,544

SOURCE OF FUNDS:

(1) ETF-Transfer.....	6,038,544	
Total Department of Veterans' Affairs...	6,038,544	6,038,544

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every state institution of higher learning, college, university, community college, junior college, or technical college in which benefits are given to veterans, their spouses, widows, or children under the provisions of Code of Alabama 1975, Sections

31-6-1 through 31-6-17. In addition to the above appropriation, there is hereby appropriated \$400,000 to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

41. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program..... 6,837,234

The above appropriation for Financial Assistance Program includes \$6,434,601 of ETF monies. The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

(b) Community Educational Programs..... 1,102,000

The above appropriation shall be allocated as follows: C.I.T.Y. Program-Chilton County-\$302,000; C.I.T.Y. Program-Houston County-\$350,000; C.I.T.Y. Program-Dallas County-\$350,000; and COARMM-\$100,000.

SOURCE OF FUNDS:

(1) ETF.....	7,536,601		
(2) Federal and Local Funds.....		402,633	
Total Department of Youth Services.....	7,536,601	402,633	7,939,234

SECTION 4.

COLLEGES, UNIVERSITIES AND
SCHOOLS:

I. BOARD OF TRUSTEES OF UNI-
VERSITY OF ALABAMA:

(a) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa.....	101,860,866	67,180,622	169,041,488
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The above amounts distributed to the President of the University of Alabama for operations and maintenance funding shall include support for such entities as Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.

(b) Operations and Maintenance and Program Support for the University of Alabama at Birmingham.....	178,357,284	625,899,756	804,257,040
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The above amounts distributed to the President of the University of Alabama at Birmingham for operations and maintenance funding shall include support for such entities as University College; Family Practice Residency

Programs at Anniston, East End, Jefferson County, Montgomery, Selma and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Educational Finance Initiative; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Minority Faculty Development Program; Science, Engineering and Education Program; Molecular Genetic and Biotechnology Program; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences; Parkinson's

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Disease-Medical Research; Walker Community College; at least \$400,000 shall be allocated for the Minority Business Training-Economic Development; National Biomedical Tracer Center; Athletic Trainers Program.

(c) Operations and Maintenance and Program Support for the University of Alabama in Huntsville.....	34,236,495	25,145,814	59,382,309
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The above amounts distributed to the President of the University of Alabama in Huntsville for operations and maintenance funding shall include support for the following entities: Kenneth E. Johnson Research Center; Space Initiative; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

(d) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham.....	4,298,696		4,298,696
(e) Alabama SchoolFest Program, University of Alabama.....	820,458		820,458
(f) Bevill Center for Advanced Manufacturing Technology.....	350,000		350,000
(g) Bevill Advanced Electronics Center.....	350,000		350,000
(h) Bevill Center for Advanced Telecommunication Technology	350,000		350,000

(i) Bevill Center for Advanced Environmental Technology.....	350,000	350,000
(j) Bevill Center for Advanced Biotechnology.....	350,000	350,000
(k) Auxiliary Enterprises.....	75,886,828	75,886,828
(l) Restricted Funds.....	<u>220,250,799</u>	<u>220,250,799</u>

SOURCE OF FUNDS:

(1) ETF.....	321,323,799	
(2) Federal and Other Funds.....	<u>1,014,363,819</u>	

Total Board of Trustees of University of Alabama.....	<u>321,323,799</u>	<u>1,014,363,819</u>	<u>1,335,687,618</u>
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II. BOARD OF TRUSTEES OF
ALABAMA A&M UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	22,923,468	15,063,934	37,987,402
(b) Title VI Program Enhancement.....	570,416		570,416

The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:

Consultants/Faculty.....	184,420		
Instructional Support.....	385,996		
(c) Desegregation Planning.....	184,906		184,906
(d) For Recruiting and Minority Scholarships.....	277,358		277,358
(e) Cooperative Extension, Research and Service.....	924,528		924,528

The above appropriation in (b) through (e) from the ETF is to be released and used as restricted by and in compliance with Knight vs. Alabama, 900 F Supp 272.

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(f) Auxiliary Enterprises.....	5,987,221	5,987,221
(g) Restricted Funds.....	<u>19,118,834</u>	<u>19,118,834</u>

SOURCE OF FUNDS:

(1) ETF.....	24,880,676		
(2) Federal and Other Funds.....	<u>40,169,989</u>		
Total Board of Trustees of Alabama A&M University.....	<u>24,880,676</u>	<u>40,169,989</u>	<u>65,050,665</u>

Of the above appropriation for
operations and maintenance, a total
of \$250,000 shall be allocated to
the Black Archives Museum.

III. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	23,109,851	16,622,748	39,732,599
(b) Title VI Program Enhancement.....	1,657,477		1,657,477

The proposed spending plan for the
above Title VI Program Enhance-
ment appropriation is as follows:

Consultants/Faculty.....462,264
Instructional Support.....1,195,213

(c) Desegregation Planning.....	184,906		184,906
(d) For Recruiting and Minority Scholarships.....	277,358		277,358

The above appropriation in (b) through
(d) from the ETF is to be released
and used as restricted by and in
compliance with Knight vs.
Alabama, 900 F Supp 272.

(e) Auxiliary Enterprises.....	10,070,904	10,070,904
(f) Restricted Funds.....	<u>11,728,389</u>	<u>11,728,389</u>

SOURCE OF FUNDS:

(1) ETF.....	25,229,592		
(2) Federal and Other Funds.....		38,422,041	
Total Board of Trustees of Alabama State University.....	25,229,592	38,422,041	63,651,633

IV. BOARD OF TRUSTEES OF
ALABAMA A&M UNIVERSITY:

(a) Alabama A&M University-Miles College Consortium.....	369,800		369,800
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SOURCE OF FUNDS:

(1) ETF.....	369,800		
Total Alabama A&M University-Miles College Consortium.....	369,800		369,800

V. STATE BOARD OF EDUCATION -
ATHENS STATE COLLEGE:

(a) Operations and Maintenance and Program Support.....	7,018,738	4,757,035	11,775,773
(b) Pay Increase-4%.....	349,868		349,868
(c) Auxiliary Enterprises.....		579,981	579,981
(d) Restricted Funds.....		1,262,146	1,262,146

SOURCE OF FUNDS:

(1) ETF.....	7,368,606		
(2) Federal and Other Funds.....		6,599,162	
Total State Board of Education-Athens State College.....	7,368,606	6,599,162	13,967,768

In addition to the above appropriation from the ETF to Athens State College, there is hereby appropriated the amount of \$1,279,466 to be conditioned upon

the availability of funds in the ETF and the approval of the Governor. This appropriation shall be the fourth priority conditional from the ETF and shall be released by the Governor (after the first, second, and third priority conditionals) prior to the release of any other conditional appropriations from the ETF.

VI. BOARD OF TRUSTEES OF
AUBURN UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	173,460,640	101,742,846	275,203,486
(b) Auxiliary Enterprises.....		52,194,437	52,194,437
(c) Restricted Funds.....		66,546,470	66,546,470

SOURCE OF FUNDS:

(1) ETF.....	173,460,640		
(2) Federal and Other Funds.....		220,483,753	
Total Board of Trustees of Auburn University.....	173,460,640	220,483,753	393,944,393

In addition to the above appropriation to Auburn University, there is hereby appropriated \$900,000 for the School of Veterinary Medicine and \$500,000 for the School of Pharmacy to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

VII. BOARD OF TRUSTEES OF
JACKSONVILLE STATE
UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	24,465,277	15,785,078	40,250,355
(b) Auxiliary Enterprises.....		3,485,476	3,485,476

(c) Restricted Funds.....	16,322,400	16,322,400
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SOURCE OF FUNDS:

(1) ETF.....	24,465,277
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(2) Federal and Other Funds.....	35,592,954
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Total Board of Trustees of Jacksonville State University.....	24,465,277	35,592,954	60,058,231
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VIII. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTEVALLO:

(a) Operations and Maintenance and Program Support.....	12,798,577	8,377,719	21,176,296
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(b) Minority Student Recruitment Program.....	125,000		125,000
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(c) Auxiliary Enterprises.....		4,795,070	4,795,070
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(d) Restricted Funds.....		2,214,487	2,214,487
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SOURCE OF FUNDS:

(1) ETF.....	12,923,577
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(2) Federal and Other Funds.....	15,387,276
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Total Board of Trustees of University of Montevallo.....	12,923,577	15,387,276	28,310,853
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IX. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH
ALABAMA:

(a) Operations and Maintenance and Program Support.....	18,104,587	12,032,443	30,137,030
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Of the above appropriation, \$75,000 shall be expended at the Kilby School.

(b) Auxiliary Enterprises.....		3,241,094	3,241,094
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(c) Restricted Funds.....		1,224,670	1,224,670
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SOURCE OF FUNDS:

(1) ETF.....	18,104,587		
(2) Federal and Other Funds.....		16,498,207	
Total Board of Trustees of University of North Alabama.....	18,104,587	16,498,207	34,602,794

X. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH
ALABAMA:

(a) Operations and Maintenance and Program Support.....	69,077,698	210,980,555	280,058,253
(b) Auxiliary Enterprises.....		12,442,614	12,442,614
(c) Restricted Funds.....		22,200,000	22,200,000

SOURCE OF FUNDS:

(1) ETF.....	69,077,698		
(2) Federal and Other Funds.....		245,623,169	
Total Board of Trustees of University of South Alabama.....	69,077,698	245,623,169	314,700,867

XI. BOARD OF TRUSTEES OF TROY
STATE UNIVERSITY:

(a) Operations and Maintenance and Program Support for Troy State University.....	19,049,720	35,001,640	54,051,360
(b) Operations and Maintenance and Program Support for Troy State University Dothan.....	4,089,821	5,096,305	9,186,126
(c) Operations and Maintenance and Program Support for Troy State University Montgomery.....	4,280,778	4,328,220	8,608,998
(d) Auxiliary Enterprises.....		10,622,668	10,622,668
(e) Restricted Funds.....		7,154,914	7,154,914

SOURCE OF FUNDS:

(1) ETF.....	27,420,319		
(2) Federal and Other Funds.....		62,203,747	
Total Board of Trustees of Troy State University.....	27,420,319	62,203,747	89,624,066

XII. BOARD OF TRUSTEES OF
UNIVERSITY OF WEST
ALABAMA:

(a) Operations and Maintenance and Program Support.....	8,029,620	4,502,603	12,532,223
(b) Auxiliary Enterprises.....		2,764,980	2,764,980
(c) Restricted Funds.....		401,917	401,917

SOURCE OF FUNDS:

(1) ETF.....	8,029,620		
(2) Federal and Other Funds.....		7,669,500	
Total Board of Trustees of University of West Alabama.....	8,029,620	7,669,500	15,699,120

XIII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR DEAF
AND BLIND:

(a) Adult Programs.....	6,018,969	4,716,323	10,735,292
(b) Children and Youth Programs.....	17,215,683	2,452,130	19,667,813
(c) Industries for the Blind.....	4,686,924	12,472,586	17,159,510

SOURCE OF FUNDS:

(1) ETF.....	27,921,576		
(2) Federal and Other Funds.....		19,641,039	

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Total Board of Trustees of Alabama

Institute for Deaf and Blind.....	27,921,576	19,641,039	47,562,615
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XIV. KNIGHT VS. ALABAMA - FINAN-
CIAL OBLIGATIONS:

(a) Operations and Maintenance and Program Support, Estimated.....	7,330,000
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SOURCE OF FUNDS:

(1) ETF.....	7,330,000
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Total Knight vs. Alabama.....	7,330,000	7,330,000
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To be allocated and expended in
accordance with the 1995 Remedial
Decree in Knight vs. Alabama, Civil
Action CV 83-M-1676, 900 F Supp
272.

SECTION 5. There is hereby appropriated the following amounts to the following institutions, to be expended to offset the cost of providing salary increases for faculty and staff granted for the 1996-97 fiscal year, to be conditioned solely on the availability of funds in the Education Trust Fund. The following appropriations are first priority conditionals and shall be allotted on a quarterly proportionate basis at the end of each quarter. At the end of each quarter of the fiscal year beginning October 1, 1996, the State Finance Director shall certify the quarterly amount of receipts to the Education Trust Fund estimated to be necessary to fully fund all absolute appropriations from the Education Trust Fund plus an ending balance of \$10 million. The amounts of quarterly receipts to the Education Trust Fund in excess of the amount certified for that quarter shall be allotted to the following entities on a proportionate basis up to the quarterly allotment. For any quarter in which the allotments were insufficient to fund the maximum quarterly appropriations, the unfunded allotments may accrue to the following quarter(s) and may be allotted if the Finance Director certifies quarterly that receipts to the Education Trust Fund are sufficient to fully fund all pending absolute appropriations and maintain a \$10 million ending balance. For the fourth quarter of the fiscal year, the State Finance Director shall make his certification prior to September 1, 1997, and any available funds shall be allotted prior to September 15, 1997.

a. University of Alabama at Tuscaloosa	\$4,074,435
b. University of Alabama at Birmingham	\$7,134,291
c. University of Alabama in Huntsville	\$1,369,460
d. Alabama A&M University	\$995,227
e. Alabama State University	\$1,009,184
f. Auburn University System	\$6,938,426
g. Jacksonville State University	\$978,611
h. University of Montevallo	\$516,943
i. University of North Alabama	\$724,183
j. University of South Alabama	\$2,763,108
k. Troy State University System	\$1,096,813
l. University of West Alabama	\$321,185

SECTION 6. No funds provided herein for the public schools shall be used for the payment of any salaries of personnel not under the direct control, employment, and supervision of local boards of education. No funds provided herein for the two-year postsecondary schools under the auspices of the State Board of Education shall be used for the payment of any salaries of personnel not under the direct control, employment and supervision of said institutions.

SECTION 7. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 8. The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this Act shall be paid after proper requisitions are made on the State Comptroller in the manner now provided by law.

SECTION 9. All state-mandated and state-funded salary increases and fringe benefits for Child Nutrition Program workers shall be fully-funded from the Foundation Program Fund in this Act and shall therefor be subsequently fully-funded by all local school boards from funds provided in this Act from Other Current Expense and not from funds generated by the Child Nutrition Program.

SECTION 10. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 11. (a) Funds appropriated from the ETF or earmarked state funds in this Act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education and postsecondary institutions of education) shall not be expended for the purchase or lease of automotive vehicles. A state agency funded from the ETF or earmarked state funds in this Act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, college, department, agency, or like institution receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, college, department, agency, or like institution receiving funds under this Act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

SECTION 12. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriation act for the fiscal year ending September 30, 1997. All agencies enumerated in this Act that receive services from other governmental agencies enumerated in the general appropriation act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 13. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 14. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 15. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 16. This Act shall become effective on October 1, 1996.

Amend H. 300, as substituted, on page 24 after line 23, by inserting the following: "It is the intent of the Legislature that the Alabama Commission on Higher Education shall provide for the participation of Athens State College in the Network of Alabama Academic Libraries."

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Amend H. 300 on page 6, after line 32 by inserting the following: "It is the intent of the Legislature that the above appropriation for the capital outlay program may be used by local boards of education to pay debt service on current bonded indebtedness".

Amend H. 300 on page 43, lines 20 through 23 by deleting in their entirety and inserting in lieu thereof the following: "the School of Pharmacy."

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Curry and Kennedy on the disagreement of the two Houses on the Senate amendment to the bill, H. 300.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hall (A), the rules were suspended in order to permit the Standing Committee on Local Legislation No. 4 to meet while the House is in Session.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 301. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 301, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1996-97 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries, and shall be expended only for such purposes.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
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2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program.....	11,430,666
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SOURCE OF FUNDS:

(1) State General Fund.....	10,586,493		
(2) Federal and Local Funds.....		844,173	
Total Department of Examiners of Public Accounts.....	10,586,493	844,173	11,430,666

The Department of Examiners of Public Accounts is hereby authorized to examine as deemed necessary all appropriations herein made for compliance with the laws of the State of Alabama. Any examination performed shall be in accordance with the provisions of Title 41, Chapter 5, Code of Alabama 1975.

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....	357,571
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SOURCE OF FUNDS:

(1) State General Fund.....	357,571	
Total Alabama Law Institute.....	357,571	357,571

The Director of the Alabama Law Institute shall submit his proposed operations plan for fiscal year 1997 to the Legislative Council, which shall be modified and/or approved by the Council prior to the deadline for submission to the Finance Director.

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program.....	292,055
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SOURCE OF FUNDS:

(1) State General Fund.....	292,055	
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.....		
Total Legislative Council.....	292,055	292,055

4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program.....	1,268,639
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SOURCE OF FUNDS:

(1) State General Fund.....	1,268,639	
Total Legislative Fiscal Office.....	1,268,639	1,268,639

5. LEGISLATIVE REFERENCE
SERVICE:

(a) Legislative Operations and Support Program.....		1,886,704
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SOURCE OF FUNDS:

(1) State General Fund.....	1,886,704	
Total Legislative Reference Service.....	1,886,704	1,886,704

6. LEGISLATURE:

(a) Legislative Operations and Support Program.....		14,609,083
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It is the intent of the Legislature that (1) at least \$35,000 shall be allocated for each of the following committees: Senate Finance and Taxation Committee, the Office of the Senate Pro Tempore, the Senate Committee on Economic Expansion and Trade, the Senate Rules Committee, the House Ways and Means Committee, the Office of the House Pro Tempore, and the House Rules Committee; (2) \$20,000 shall be allocated to the Senate Floor Leader's Office; (3) an amount not to exceed \$50,000 shall be allocated to the Office of Presiding Officer of the Senate; and (4) \$7,000 shall be allocated to the Permanent Municipal Government Committee as required by Sections 29-2-60 through 29-2-62, Code of Alabama 1975. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

(b) Office of the Speaker of the House of Representatives.....	627,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>15,236,083</u>	
Total Legislature.....	<u>15,236,083</u>	<u>15,236,083</u>

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program.....	2,861,373
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>2,861,373</u>	
Total Court of Civil Appeals.....	<u>2,861,373</u>	<u>2,861,373</u>

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program.....	3,026,863
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>3,026,863</u>	
Total Court of Criminal Appeals.....	<u>3,026,863</u>	<u>3,026,863</u>

3. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program....	175,411
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>175,411</u>	
Total Judicial Inquiry Commission.....	<u>175,411</u>	<u>175,411</u>

4. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program.....	1,589,100
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,589,100</u>	
Total Judicial Retirement Fund.....	<u>1,589,100</u>	<u>1,589,100</u>

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5. SUPREME COURT:

(a) Court Operations Program..... 5,777,536

SOURCE OF FUNDS:

(1) State General Fund..... 5,777,536

Total Supreme Court..... 5,777,536 5,777,536

6. SUPREME COURT LIBRARY:

(a) Court Operations - Library Service
Program..... 1,192,299

SOURCE OF FUNDS:

(1) State General Fund..... 1,192,299

Total Supreme Court Library..... 1,192,299 1,192,299

7. UNIFIED JUDICIAL SYSTEM:

(Administrative Office of Courts)

(a) Court Operations Program..... 81,180,892

(b) Administrative Services Program.... 3,388,541

(c) DUI Referral Program..... 65,092

(d) Fringe Benefit Program,
Estimated..... 545,000

(e) Court Equipment and Court Security
Program..... 921,704

(f) Judicial Building Operations
Program..... 4,147,282

SOURCE OF FUNDS:

(1) State General Fund..... 85,460,212

(2) State General Fund-Act 94-679..... 174,587

(3) State General Fund-New
Judgeships..... 952,807

This appropriation is to be conditioned upon the filling of the judgeships created by Acts 90-539, 91-640 and 93-882 and only that amount required to fund a judgeship for the remainder of the fiscal year shall be released upon the filling of that judgeship.

(4) State General Fund-Social Security-County Judicial, Estimated.....	545,000
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(5) State General Fund Transfer-Juvenile Justice Coordinating Council.....	20,000
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In accordance with Section 12-15-131, Code of Alabama 1975.

(6) Court Referral Officer Fund.....	2,054,468
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In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975.

(7) State General Fund Transfer-Judicial Justice Coordinating Council.....	50,000
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The above appropriation shall be allocated to Children's Hospital to conduct a pilot juvenile intervention program which shall receive referrals from the courts.

(8) Juvenile Justice Coordinating Council Fund.....	11,168
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(9) Court Automation Fund.....	900,000
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In accordance with Section 12-19-180, Code of Alabama 1975.

(10) Federal Funds.....	80,269
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Total Unified Judicial System.....	87,202,606	3,045,905	90,248,511
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2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program.....	5,000
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SOURCE OF FUNDS:

(1) State General Fund.....	5,000
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As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.....

Total Alabama Academy of Honor.....	5,000	5,000
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2. ACCOUNTANCY, ALABAMA
STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program.....	629,762
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund.....	629,762
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.....

Total Alabama State Board of Public Accountancy.....	629,762	629,762
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program.....	741,420
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SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 733,020

For expenditures as provided in
Sections 31-3-2 and 36-30-2, Code
of Alabama 1975.(2) State General Fund-Administrative
Costs..... 8,400As provided by Section 41-9-73, Code
of Alabama 1975.....

Total Board of Adjustment..... 741,420 741,420

4. AERONAUTICS, DEPARTMENT
OF:(a) Aeronautical Administration
Program..... 524,949(b) Airport Improvement Program,
Estimated..... 425,000To be used only as grants awarded by
the Alabama Aeronautics
Commission for the general
promotion, advancement, education
and safety of aeronautics and for
the improvement of airports or other
aeronautical facilities in the State of
Alabama.

(c) Civil Air Patrol Program..... 75,000

SOURCE OF FUNDS:

(1) State General Fund-Civil Air Patrol
Program..... 75,000(2) Airports Development
Fund-Aviation Fuel Tax..... 924,949As provided by Section 4-2-42, Code
of Alabama 1975.(3) Airports Development
Fund-Federal Funds..... 25,000

Total Department of Aeronautics..... 75,000 949,949 1,024,949

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program.....	18,407,664
(b) Economic Assistance Program.....	12,830,154
(c) Alzheimer's/Dementia Coordination Program.....	50,000
(d) Rural Transportation Program.....	150,000

SOURCE OF FUNDS:

(1) State General Fund.....	1,871,904		
(2) State General Fund-Medicaid Waiver.....	2,606,673		
(3) Federal and Local Funds.....		26,959,241	
Total Commission on Aging.....	4,478,577	26,959,241	31,437,818

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the state's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSER-
VATION DEVELOPMENT
COMMISSION:

(a) Water Resource Development Program.....	1,866,902
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,776,902
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(2) Alabama Agricultural and Conser- vation Development Commission Revolving Fund.....	90,000
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As provided in Section 9-8A-4.1, Code of Alabama 1975.....	
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Total Agricultural and Conservation Development Commission.....	1,776,902	90,000	1,866,902
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7. AGRICULTURAL AND
INDUSTRIAL EXHIBIT
COMMISSION, ALABAMA:

(a) Agricultural Development Services Program.....	35,050
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SOURCE OF FUNDS:

(1) State General Fund.....	35,050
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Total Alabama Agricultural and Industrial Exhibit Commission.....	35,050	35,050
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8. AGRICULTURAL CENTER
BOARD:

(a) Agricultural Development Services Program.....	976,974
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SOURCE OF FUNDS:

(1) State General Fund.....	164,963
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For expense and awarding of prizes
for fairs as provided in Section
2-7-21, Code of Alabama 1975, and
other livestock shows and exhibits
and other activities.

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(2) State General Fund-Operations.....	144,646		
(3) State General Fund-Livestock Coliseum.....	282,365		
(4) Livestock Coliseum Fund.....		385,000	
Total Agricultural Center Board.....	591,974	385,000	976,974

9. AGRICULTURAL MUSEUM
BOARD, ALABAMA:

(a) Agricultural Promotional Program... 100,000

SOURCE OF FUNDS:

(1) State General Fund.....	100,000		
Total Alabama Agricultural Museum Board.....	100,000		100,000

It is the intent of the Legislature that the appropriation made herein-above to the Alabama Agriculture Museum Board may be used for Capital Outlay purposes by the Board.

10. AGRICULTURE AND
INDUSTRIES, DEPARTMENT OF:

(a) Administrative Services Program.... 2,179,155

Of the above appropriation, \$115,000 shall be transferred to the Alabama Aquaculture Center in Gadsden.

(b) Agricultural Inspection Services
Program..... 14,240,836

Of the above appropriation, \$2,720,000 shall be allocated to the Boll Weevil Eradication Program and \$100,000 shall be allocated for fire ant eradication/research at the Department of Entomology at Auburn University.

(c) Laboratory Analysis and Disease Control Program.....	4,395,378
(d) Agricultural Development Services Program.....	1,626,198

SOURCE OF FUNDS:

(1) State General Fund.....	9,724,567
(2) Federal and Local Funds.....	2,032,998
(3) Shipping Point Inspection Fund.....	4,997,000

Pursuant to Sections 2-9-20 et seq.,
Code of Alabama 1975.

(4) Egg Inspection Fund.....	20,000		
(5) Agricultural Fund.....	5,667,002		
Total Department of Agriculture and Industries.....	9,724,567	12,717,000	22,441,567

11. ALABAMA TRUST FUND BOARD:

(a) Administrative Program.....	25,000
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SOURCE OF FUNDS:

(1) State General Fund.....	25,000		
Total Alabama Trust Fund Board.....	25,000		25,000

12. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALABAMA:

(a) Product Management Program.....	31,000,000
(b) Enforcement Program.....	8,000,000
(c) Administrative Services Program....	4,080,000

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State General Fund of \$5,000,000. The above transfer shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund..... 43,080,000

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the state shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.....

Total Alabama Alcoholic Beverage Control Board.....	43,080,000	43,080,000
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13. ARCHITECTS, BOARD FOR
REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program.....	256,000
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SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects.....	256,000
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As provided in Section 34-2-41, Code
of Alabama 1975.....

Total Board for Registration of Architects.....	256,000	256,000
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14. ARCHIVES AND HISTORY,
DEPARTMENT OF:

(a) Historical Resources Management Program.....	2,829,168
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Of the above appropriation, \$140,000
shall be used to operate the
Records Retention Program.

SOURCE OF FUNDS:

(1) State General Fund.....	2,750,250
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(2) Federal and Local Funds.....	18,918
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(3) Archives Historical Collections Fund.....	10,000
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In accordance with Section 41-6-71,
Code of Alabama 1975.

(4) Archives Services Fund.....	50,000
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In accordance with Section 41-6-76,
Code of Alabama 1975.....

Total Department of Archives and History.....	2,750,250	78,918	2,829,168
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15. ATHLETE AGENTS REGULATORY COMMISSION:

(a) Professional and Occupational Licensing and Regulation Program.....	25,000
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SOURCE OF FUNDS:

(1) Athlete Agent Regulatory Commission Fund.....	25,000
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As provided in Section 8-26-17, Code of Alabama 1975.....

Total Athlete Agent Regulatory Commission.....	25,000	25,000
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16. ATHLETIC TRAINERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	25,000
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SOURCE OF FUNDS:

(1) Alabama Athletic Trainers Fund.....	25,000
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As provided in Section 34-40-14, Code of Alabama 1975.....

Total Alabama Board of Athletic Trainers.....	25,000	25,000
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17. ATTORNEY GENERAL, OFFICE OF THE:

(a) Legal Advice and Legal Services Program.....	10,525,158
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(b) Fair Marketing Practices Program...	815,000
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SOURCE OF FUNDS:

(1) State General Fund.....	7,625,887
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(2) State General Fund - Consumer Protection.....	715,000
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(3) State General Fund - Consumer Utility Rate Hearing Fund.....	250,000		
(4) Federal Funds.....		1,437,190	
(5) Miscellaneous Receipts.....		1,227,081	
(6) Attorney General's Litigation Support Fund.....		85,000	
In accordance with Section 36-15-4.2, Code of Alabama 1975.....			
Total Office of the Attorney General....	8,590,887	2,749,271	11,340,158

18. AUCTIONEERS, ALABAMA
STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			105,459
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SOURCE OF FUNDS:

(1) State Board of Auctioneers Fund....	105,459		
Total Alabama State Board of Auctioneers.....	105,459		105,459

19. AUDITOR, STATE:

(a) Fiscal Management Program.....			500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	500,000		
Total State Auditor.....	500,000		500,000

20. BANKING DEPARTMENT,
STATE:

(a) Charter, License and Regulate Financial Institutions Program.....			4,727,582
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SOURCE OF FUNDS:

(1) Banking Assessment Fees.....	3,930,247		
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As provided in Section 5-2A-20, Code
of Alabama 1975.

(2) Loan Examination Fund..... 797,335

As provided in Sections 5-2A-24,
5-16-38.1, and 5-18-5, Code of
Alabama 1975.....

Total State Banking Department..... 4,727,582 4,727,582

21. BAR ASSOCIATION, ALABAMA
STATE:

(a) Professional and Occupational
Licensing and Regulation
Program..... 5,431,483

SOURCE OF FUNDS:

(1) State Bar Association Fund..... 2,659,450

As provided in Sections 34-3-4 and
34-3-44, Code of Alabama 1975.

(2) Federal and Local Funds..... 2,772,033

As provided in Sections 34-3-17 and
34-3-18, Code of Alabama 1975.....

Total Alabama State Bar Association... 5,431,483 5,431,483

22. BEAR CREEK DEVELOPMENT
AUTHORITY:

(a) Water Resource Development
Program..... 38,229

SOURCE OF FUNDS:

(1) State General Fund..... 38,229

Total Bear Creek Development
Authority..... 38,229 38,229

23. BUILDING COMMISSION, STATE:

(a) Special Services Program..... 1,169,713

SOURCE OF FUNDS:

(1) State General Fund.....	438,792		
(2) Miscellaneous Funds.....		730,921	
Total State Building Commission.....	438,792	730,921	1,169,713

24. BUILDING RENOVATION
FINANCE AUTHORITY,
ALABAMA:

(a) Administrative Support Services Program.....			8,026,004
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,756,223		
(2) Departmental Receipts, Estimated.....		6,269,781	
Total Alabama Building Renovation Finance Authority.....	1,756,223	6,269,781	8,026,004

25. CAHAWBA ADVISORY
COMMITTEE:

(a) Historical Resources Management Program.....			175,000
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SOURCE OF FUNDS:

(1) State General Fund.....	175,000		
Total Cahawba Advisory Committee....	175,000		175,000

26. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program.....			1,201,331
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In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	676,124		
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(2) Children's Trust Fund, Estimated....	525,207		
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Total Child Abuse and Neglect Prevention Board.....	676,124	525,207	1,201,331
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27. CHILDREN'S SERVICES FACILI-
TATION TEAM:

(a) Human Services Program.....			200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	100,000		
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(2) Departmental Receipts.....		100,000	
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As provided in Section 12-15-174,
Code of Alabama 1975.....

Total Children's Services Facilitation Team.....	100,000	100,000	200,000
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28. CHIROPRACTIC EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			185,800
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiroprac- tic Examiners Fund.....		185,800	
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As provided in Section 34-24-143,
Code of Alabama 1975.....

Total Alabama State Board of Chiro- practic Examiners.....		185,800	185,800
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29. CHOCCOLOCCO CREEK WA-
TERSHED CONSERVANCY
DISTRICT:

(a) Water Resource Development Program.....			19,763
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SOURCE OF FUNDS:

(1) State General Fund.....	19,763	
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Total Choccolocco Creek Watershed Conservancy District.....	19,763	19,763
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**30. CHOCTAWHATCHEE-PEA
RIVERS WATERSHED MANAGE-
MENT AUTHORITY:**

(a) Water Resource Development Program.....		246,688
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SOURCE OF FUNDS:

(1) State General Fund.....	246,688	
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Total Choctawhatchee-Pea Rivers Watershed Management Authority. .	246,688	246,688
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**31. CONSERVATION AND NATURAL
RESOURCES, DEPARTMENT OF:**

(a) State Land Management Program. .		2,656,596
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(b) Outdoor Recreation Sites and Services Program.....		29,690,296
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Of the above appropriation, \$50,000
shall be transferred to the Little
River Canyon Field School.

(c) Marine Police Program.....		5,461,361
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(d) Wildlife Game and Fish Program....		21,723,663
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(e) Marine Resources Program.....		2,700,416
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(f) Administrative Services Program.....		4,200,000
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(g) Capital Outlay Program.....		1,200,869
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The appropriation to the Department of
Conservation and Natural
Resources shall include Alabama's
pro rata share of the Gulf States
Marine Fisheries Commission
operation expenses. The appropri-
ation to the Department of Conser-
vation and Natural Resources
includes funds for the maintenance,
staff and repair of the Governor's
official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund - Transfer-Game and Fish Fund.....	534,644
To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).	
(2) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts.....	14,709,888
(3) Game and Fish Fund-Federal and Local Funds.....	7,540,000
(4) State Lands Fund.....	2,756,596
(5) Marine Resources Fund-Licenses, Taxes, Fines and Other Depart- mental Receipts.....	1,965,416
(6) State General Fund-Transfer Marine Resources Fund.....	50,000
(7) Marine Resources Fund-Federal and Local Funds.....	725,000
In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Labora- tory at Dauphin Island are hereby appropriated and may be expended by the Commissioner of Conserva- tion on such Marine Resources Division programs or projects which he deems appropriate.	
(8) Marine Police Fund-Licenses, Fines, Taxes and Other Depart- mental Receipts.....	4,611,361
(9) Marine Police Fund-Federal and Local Funds.....	750,000

(10) Marine Police-State General Fund-Transfer.....	100,000	
(11) State Parks Fund.....		251,627
(12) State General Fund-Transfer State Parks Fund.....	300,000	
(13) Parks Revolving Fund, Estimated.....		25,138,669
(14) State Parks Fund-Cigarette Tax....		4,000,000
(15) Administrative Funds.....		4,200,000

The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.....

Total Department of Conservation and Natural Resources.....	984,644	66,648,557	67,633,201
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32. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program.....		709,236
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund.....	709,236
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.. .

Total State Licensing Board for General Contractors.....	709,236	709,236
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33. CORRECTIONS, DEPARTMENT
OF:

(a) Administrative Services and
Logistical Support Program..... 8,500,000

(b) Institutional Services Corrections
Program..... 162,179,924

(c) Correctional Agricultural and
Industries Program..... 20,517,810

The Department of Corrections shall
not utilize any portion of its State
General Fund appropriation to
support the Correctional Industries
Program.

(d) Capital Outlay Program..... 1,000,000

SOURCE OF FUNDS:

(1) State General Fund..... 154,564,544

(2) Department of Corrections
Industrial Revolving Fund..... 20,517,810

The Commissioner of the Department
of Corrections is authorized to
utilize funds herein appropriated as
matching contributions, where
required and appropriate, to
generate additional funds which
would effectively increase the
appropriations for the Department
of Corrections. Any such grant
funds so generated and in direct
support of the Department of
Corrections' operations are also
hereby appropriated.

(3) Drug Demand Reduction Fund..... 459,185

In accordance with Section
13A-12-283, Code of Alabama
1975.

(4) Federal Funds.....	356,195		
(5) Departmental Receipts.....	16,300,000		
Total Department of Corrections.....	154,564,544	37,633,190	192,197,734

Of the above appropriation from the State General Fund to the Department of Corrections, \$2,907,260 from the State General Fund is conditioned solely upon the carry forward from fiscal year 1996 into fiscal year 1997 of a balance of at least \$10,000,000 in the State General Fund.

34. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	708,690		
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund.....	708,690		
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As provided in Section 34-7-42, Code
of Alabama 1975.....

Total Alabama Board of Cosmetology.....	708,690	708,690	
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35. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program.....	227,300		
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund.....	227,300		
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As provided in Section 34-8A-6, Code
of Alabama 1975.....

Total Alabama Board of Examiners in Counseling.....	227,300	227,300	
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36. CREDIT UNION
ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate
Financial Institutions Program..... 667,572

SOURCE OF FUNDS:

(1) Alabama Credit Union Administra-
tion Fund..... 667,572

As provided in Section 5-17-7, Code of
Alabama 1975.....

Total Alabama Credit Union
Administration..... 667,572 667,572

37. CRIME VICTIMS COMPENSA-
TION COMMISSION, ALABAMA:

(a) Special Services Program,
Estimated..... 1,357,022

SOURCE OF FUNDS:

(1) Alabama Crime Victims Compen-
sation Commission Fund,
Estimated..... 1,357,022

To be expended in accordance with
Sections 15-23-1 through 15-23-23,
Code of Alabama 1975.....

Total Alabama Crime Victims Compen-
sation Commission..... 1,357,022 1,357,022

38. CRIMINAL JUSTICE INFORMA-
TION CENTER, ALABAMA:

(a) Criminal Justice Information
Services Program..... 4,864,507

SOURCE OF FUNDS:

(1) State General Fund..... 2,315,040

(2) Miscellaneous Receipts..... 4,000

(3) Federal and Local Funds.....		2,545,467	
Total Alabama Criminal Justice Information Center.....	2,315,040	2,549,467	4,864,507

39. DEVELOPMENT OFFICE,
ALABAMA:

(a) Promotional Development Program-Alabama Film Commission.....			212,081
(b) Industrial Development Program-Alabama Development Office.....			4,418,531

SOURCE OF FUNDS:

(1) State General Fund-Alabama Development Office.....	4,318,531		
(2) State General Fund-Alabama Film Commission.....	212,081		
(3) Departmental Receipts.....		100,000	
Total Alabama Development Office.....	4,530,612	100,000	4,630,612

40. DIETETICS/NUTRITION
PRACTICE, ALABAMA STATE
BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program.....			60,000
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SOURCE OF FUNDS:

(1) State Board of Dietetics/Nutrition Fund.....		60,000	
As provided in Section 34-34A-8, Code of Alabama 1975.....			
Total Alabama State Board of Examiners for Dietetics/Nutrition Practice.....		60,000	60,000

41. DISTRICT ATTORNEYS:

(a) Court Operations Program..... 17,740,071

The proposed spending plan included
in the above total is as follows:

Salaries of District Attor-
neys.....3,677,866

For the use of the elected Assistant
District Attorney of the Bessemer
Division of the 10th Judicial
Circuit.....152,293

Salaries and expenses of
Supernumerary District Attor-
neys.....1,479,768

For use in the District Attorney's Office
of the following Judicial Circuits:

1st Judicial Circuit.....191,861

2nd Judicial Circuit.....197,488

3rd Judicial Circuit.....272,705

4th Judicial Circuit.....506,424

5th Judicial Circuit.....477,297

6th Judicial Circuit.....464,956

7th Judicial Circuit.....358,011

8th Judicial Circuit.....246,186

9th Judicial Circuit.....232,221

10th Judicial Circuit.....700,264

11th Judicial Circuit.....185,158

12th Judicial Circuit.....398,203

13th Judicial Circuit.....541,216

14th Judicial Circuit.....218,468

15th Judicial Circuit.....	564,000
16th Judicial Circuit.....	337,986
17th Judicial Circuit.....	203,259
18th Judicial Circuit.....	414,022
19th Judicial Circuit.....	284,462
20th Judicial Circuit.....	366,873
21st Judicial Circuit.....	235,250
22nd Judicial Circuit.....	258,229
23rd Judicial Circuit.....	535,068
24th Judicial Circuit.....	207,642
25th Judicial Circuit.....	221,680
26th Judicial Circuit.....	326,218
27th Judicial Circuit.....	242,465
28th Judicial Circuit.....	334,032
29th Judicial Circuit.....	367,512
30th Judicial Circuit.....	289,843
31st Judicial Circuit.....	182,246
32nd Judicial Circuit.....	252,644
33rd Judicial Circuit.....	205,639
34th Judicial Circuit.....	154,250
35th Judicial Circuit.....	214,588
36th Judicial Circuit.....	145,732
37th Judicial Circuit.....	273,818
38th Judicial Circuit.....	236,264

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39th Judicial Circuit.....195,180

40th Judicial Circuit.....163,723

Travel Expenses of District
Attorneys.....60,176

Investigators Subsistence-Section
36-21-2, Code of Alabama
1975.....166,885

SOURCE OF FUNDS:

(1) State General Fund..... 17,740,071

Total District Attorneys..... 17,740,071 17,740,071

**42. ECONOMIC AND COMMUNITY
AFFAIRS, ALABAMA DEPART-
MENT OF:**

(a) Administrative Support Program..... 7,634,667

(b) Planning Program..... 52,769,621

Of the above appropriation, at least
\$510,000 shall be spent for the
Regional Planning Commissions;
\$50,000 shall be spent for the
Alabama Council of Economic
Education; and \$25,000 shall be
used as a grant to the Tallapoosa
County Commission to be matched
with local funds for a rural recre-
ational facility; and \$25,000 shall be
used as a grant to the City of Lester
for rural recreation.

(c) Special Services Program..... 25,000,000

Of the above appropriation, at least
\$800,000 shall be distributed to
community action administering
agencies based on their
populations below the poverty level,
provided however, that not more
than 10% of each agency's alloca-
tion shall be expended for adminis-
tration and \$80,000 shall be
allocated to the Food Assistance
Program through the Community
Action Agencies of Montgomery
and Elmore counties.

(d) Skills Enhancement and Employment Opportunities Program.....	40,441,965
(e) Energy Management Program.....	6,314,180
(f) Police Services Program.....	2,842,171
(g) Law Enforcement Planning and Development Program.....	12,848,593
(h) Surplus Property Program.....	4,202,615
(i) Water Resources Program.....	2,000,000

Of the above appropriation to the Water Resources program the amount of \$443,633 shall be expended for costs associated with a water resources lawsuit against the State of Georgia. If the need for those funds associated with this lawsuit does not materialize in fiscal year 1997, then the director may use said funds for other Water Resources program purposes upon notification of the Chairmen of Ways and Means and Finance and Taxation-General Fund Committees thirty days before said use.

(j) Alabama Resource, Conservation and Development Commission Program.....	100,000
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For use by regional Resource, Conservation and Development Councils to assist local communities in infrastructure development and for operational needs of the Commission.

(k) Economic Development Regional Revolving Loan Policy Committee. .	250,000
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To be utilized pursuant to Act 90-650.

(l) PALS/Adopt-A-Mile Program.....	150,000
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SOURCE OF FUNDS:

(1) State General Fund.....	11,224,554		
(2) Federal and Local Funds.....		131,779,943	
(3) Administrative Transfers and Other Departmental Receipts.....		7,406,700	
(4) Administrative Transfers from Federal-Donated Surplus Property Sales.....		3,340,778	
(5) Administrative Transfers from State-Owned Surplus Property Sales.....		801,837	
Total Alabama Department of Eco- nomic and Community Affairs.....	11,224,554	143,329,258	154,553,812

43. ELECTRICAL CONTRACTORS,
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....		175,000
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SOURCE OF FUNDS:

(1) Alabama Board of Electrical Contractors Fund.....		175,000	
As provided in Section 34-36-17, Code of Alabama 1975.....			
Total Board of Electrical Contractors....		175,000	175,000

44. ELK RIVER DEVELOPMENT
AGENCY:

(a) Water Resource Development Program.....		20,989
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SOURCE OF FUNDS:

(1) State General Fund.....	20,989		
Total Elk River Development Agency...	20,989		20,989

45. EMERGENCY MANAGEMENT
AGENCY:

(a) Readiness and Recovery Program.....	20,846,692
(b) Transfer to County Emergency Management Agencies.....	276,675

The above appropriation of \$276,675 is in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,098,128		
(2) Federal and Local Funds.....		20,025,239	
Total Emergency Management Agency.....	1,098,128	20,025,239	21,123,367

46. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program.....	21,511
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SOURCE OF FUNDS:

(1) State General Fund.....	21,511	
Total Southern States Energy Board....	21,511	21,511

47. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program.....	733,269
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SOURCE OF FUNDS:

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(1) Professional Engineers Fund..... 733,269

As provided in Section 34-11-36, Code
of Alabama 1975.....

Total State Board of Registration for
Professional Engineers and Land
Surveyors.....

733,269

733,269

48. ENVIRONMENTAL
MANAGEMENT, DEPARTMENT
OF:

(a) Environmental Management
Program.....

55,948,923

Of the above appropriation, \$20,000
shall be used to monitor water
quality of Portersville Bay. The
Department may not assess
charges of any type to NPDES
permit holders to offset the cost of
such monitoring.

SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 4,040,105

(2) State General Fund-Transfer to
Water Pollution Control Authority..... 799,638

(3) State General Fund-Transfer to
Hazardous Substance Cleanup
Fund..... 36,347

In accordance with Sections 22-30A-3
through 22-30A-11, Code of
Alabama 1975.

(4) Environmental Management Fines
and Fees..... 12,996,733

As provided in Section 22-22A-11,
Code of Alabama 1975.

(5) Federal Funds..... 13,412,350

(6) Federal Match-Water Pollution
Control Authority..... 11,000,000

(7) Transfer from Underground and Aboveground Storage Tank Trust Fund..... 705,000

As provided in Section 22-35-9, Code of Alabama 1975.

(8) Underground and Aboveground Storage Tank Trust Fund..... 10,705,000

As provided in Section 22-35-5, Code of Alabama 1975.

(9) Environmental Education Fund..... 753,750

In accordance with Section 32-6-156.1, Code of Alabama 1975.

(10) Hazardous Substance Cleanup Fund..... 300,000

In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.

(11) SRF Administrative Fees..... 1,200,000

In accordance with Section 22-34-3, Code of Alabama 1975.....

Total Department of Environmental Management..... 4,876,090 51,072,833 55,948,923

49. ETHICS COMMISSION, ALABAMA:

(a) Regulation of Public Officials and Employees Program..... 946,979

SOURCE OF FUNDS:

(1) State General Fund..... 946,979

Total Alabama Ethics Commission..... 946,979 946,979

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50. FARMERS' MARKET
AUTHORITY:

(a) Agricultural Development Services Program.....	225,093
(b) Capital Outlay Program.....	50,000

SOURCE OF FUNDS:

(1) State General Fund.....	135,589		
(2) Farmers' Market Authority Fund.....		139,504	
Total Farmers' Market Authority.....	135,589	139,504	275,093

51. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program.....	4,676,322
(b) Administrative Support Services Program.....	3,180,448

SOURCE OF FUNDS:

(1) State General Fund.....	7,549,322		
(2) Miscellaneous Funds.....		307,448	
Total Department of Finance.....	7,549,322	307,448	7,856,770

Of the above appropriation from the State General Fund to the Department of Finance, \$500,000 is conditioned solely upon the carry forward from fiscal year 1996 into fiscal year 1997 of a balance of at least \$10,000,000 in the State General Fund.

52. FINANCE, DEPARTMENT OF -
CAPITOL COMPLEX MAINTENANCE AND REPAIR:

(a) Administrative Support Services Program.....	8,215,830
(b) Capital Outlay Program.....	150,000

SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund....	<u>8,365,830</u>	
Total Department of Finance - Capitol Complex Maintenance and Repair...	<u>8,365,830</u>	<u>8,365,830</u>

53. FINANCE, DEPARTMENT OF -
DATA CENTER REVOLVING
FUND:

(a) Administrative Support Services Program.....		23,370,648
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SOURCE OF FUNDS:

(1) Data Center Revolving Fund.....	<u>23,370,648</u>	
Total Department of Finance - Data Center Revolving Fund.....	<u>23,370,648</u>	<u>23,370,648</u>

54. FINANCE, DEPARTMENT OF -
CENTRAL MAIL AND SUPPLY:

(a) Administrative Support Services Program.....		7,448,359
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SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund....	<u>7,448,359</u>	
Total Department of Finance - Central Mail and Supply.....	<u>7,448,359</u>	<u>7,448,359</u>

55. FINANCE, DEPARTMENT OF -
MOTOR POOL:

(a) Administrative Support Services Program.....		2,304,743
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SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund.....	<u>2,304,743</u>	
Total Department of Finance - Motor Pool.....	<u>2,304,743</u>	<u>2,304,743</u>

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56. FINANCE, DEPARTMENT OF -
PRINTING AND PUBLICATIONS:

(a) Administrative Support Services Program.....	7,496,907
(b) Capital Outlay Program.....	350,000

SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund.....	7,846,907	
Total Department of Finance - Printing and Publications.....	7,846,907	7,846,907

57. FINANCE, DEPARTMENT OF -
RISK MANAGEMENT:

(a) Administrative Support Services Program.....	2,997,000
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SOURCE OF FUNDS:

(1) State Insurance Fund- Administration.....	1,295,012	
As provided in Sections 41-15-1, et seq., Code of Alabama 1975.		
(2) General Liability Trust Fund- Administration.....	708,180	
As provided in Sections 36-1-6.1, et seq., Code of Alabama 1975.		
(3) Employee Injury Compensation Trust Fund-Administration.....	993,808	
As provided in Sections 36-29A-1, et seq., Code of Alabama 1975.....		
Total Department of Finance-Risk Management.....	2,997,000	2,997,000

58. FINANCE, DEPARTMENT OF -
TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....	18,689,813
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,270,198		
(2) Telephone Revolving Fund, Estimated.....		17,419,615	
<hr/>			
Total Department of Finance - Telephone Revolving Fund.....	1,270,198	17,419,615	18,689,813
<hr/>			

59. FLEXIBLE EMPLOYEES
BENEFIT BOARD:

(a) Employee Benefits Program, Estimated.....	300,000
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In accordance with Sections 36-29-20 through 36-29-30, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) Flexible Employees Benefit Board Fund, Estimated.....	150,000		
(2) Transfer from State Personnel Department.....		150,000	
<hr/>			
Total Flexible Employees Benefit Board.....	300,000	300,000	
<hr/>			

60. FOREIGN TRADE RELATIONS
COMMISSION:

(a) Special Services Program.....	100,844
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SOURCE OF FUNDS:

(1) State General Fund.....	100,844		
<hr/>			
Total Foreign Trade Relations Commission.....	100,844	100,844	
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61. FORENSIC SCIENCES, DEPARTMENT OF:

(a) Forensic Science Services Program.....	11,615,720
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SOURCE OF FUNDS:

(1) State General Fund.....	6,986,153
(2) Federal and Local Funds.....	842,067
(3) DNA Fund.....	1,680,000
(4) Forfeited Assets Fund.....	7,500
(5) Forensic Services Fund.....	900,000

As provided in Sections 36-18-6 through 36-18-8, Code of Alabama 1975.

(6) Chemical Test Fund.....	1,200,000
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As provided in Sections 36-18-51 and 32-54-191, Code of Alabama 1975.....

Total Department of Forensic Sciences.....	6,986,153	4,629,567	11,615,720
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62. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....	60,000
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SOURCE OF FUNDS:

(1) Professional Foresters Fund.....	60,000
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As provided in Section 34-12-36, Code of Alabama 1975.....

Total Alabama State Board of Registration for Foresters.....	60,000	60,000
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63. FORESTRY COMMISSION,
ALABAMA:

(a) Forest Resources Protection and Development Program.....	24,605,175
(b) Capital Outlay Program.....	180,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	12,684,479		
(2) Federal and Local Funds.....		4,532,103	
(3) Forestry Commission Fund.....		7,568,593	
Total Alabama Forestry Commission....	<u>12,684,479</u>	<u>12,100,696</u>	<u>24,785,175</u>

Of the above appropriation to the Alabama Forestry Commission, \$2,011,017 shall be used for rural and community fire protection. Any and all proposed grants and/or distributions to rural or community fire departments shall be submitted to the Chairs of the House Ways and Means Committee and the Senate Committee on Economic Expansion and Trade by the Forestry Commissioner. The two Chairs must give written approval of the distribution prior to the release of those funds.

64. FOREVER WILD LAND TRUST,
BOARD OF:

(a) Capital Outlay Program.....	5,020,726
(b) Administration Program.....	2,103,685

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account, in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund.....	6,997,732		
(2) Forever Wild Land Trust Stewardship Account, Estimated.....	126,679		
Total Board of Forever Wild Land Trust.....	7,124,411	7,124,411	

The above appropriation is in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

65. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	161,000		
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund.....	161,000		
As provided in Section 34-13-23, Code of Alabama 1975.....			
Total Alabama Board of Funeral Service.....	161,000	161,000	

66. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program.....	3,316,731		
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SOURCE OF FUNDS:

(1) State General Fund.....	1,908,910		
(2) Federal and Local Funds.....	1,407,821		
Total Geological Survey.....	1,908,910	1,407,821	3,316,731

67. GEOLOGISTS, ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program.....	129,480
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SOURCE OF FUNDS:

(1) Alabama Board of Licensure for Professional Geologists Fund.....	129,480
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As provided in Section 31-41-6, Code
of Alabama 1975.....

Total Alabama Board of Licensure for Professional Geologists.....	129,480	129,480
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68. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program.....	3,505
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SOURCE OF FUNDS:

(1) State General Fund.....	3,505
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As provided in Section 41-9-220, Code
of Alabama 1975, and an additional
amount.....

Total Gorgas Memorial Board.....	3,505	3,505
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69. GOVERNOR'S CONTINGENCY
FUND:

(a) Executive Direction Program.....	300,000
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SOURCE OF FUNDS:

(1) State General Fund.....	300,000
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Total Governor's Contingency Fund.....	300,000	300,000
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Of the above appropriation from the State General Fund to the Governor's Contingency Fund, \$150,000 is conditioned solely upon the carry forward from fiscal year 1996 into fiscal year 1997 of a balance of at least \$10,000,000.

70. GOVERNOR'S MANSION:

(a) Executive Direction Program..... 401,798

SOURCE OF FUNDS:

(1) State General Fund.....	401,798	
Total Governor's Mansion.....	401,798	401,798

71. GOVERNOR'S MANSION
ADVISORY BOARD:

(a) Historical Resources Management Program..... 6,111

SOURCE OF FUNDS:

(1) State General Fund.....	6,111	
Total Governor's Mansion Advisory Board.....	6,111	6,111

72. GOVERNOR'S OFFICE:

(a) Executive Direction Program..... 2,848,830

SOURCE OF FUNDS:

(1) State General Fund.....	2,848,830	
Total Governor's Office.....	2,848,830	2,848,830

73. GOVERNOR'S OFFICE ON
NATIONAL AND COMMUNITY
SERVICE:

(a) Executive Direction Program..... 211,537

SOURCE OF FUNDS:

(1) State General Fund.....	69,394		
(2) Federal Funds.....		142,143	
Total Governor's Office on National and Community Service.....	69,394	142,143	211,537

74. HEALTH, DEPARTMENT OF
PUBLIC:

(a) Personal Health Services Program.....	131,791,256
(b) Health Support Services Program...	198,818,819

Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remainder shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program....	21,469,153
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SOURCE OF FUNDS:

(1) State General Fund.....	36,873,578
(2) Cigarette Tax-\$0.01 and \$0.02.....	1,600,000
As provided in Sections 40-25-2 and 40-25-23, Code of Alabama 1975.	
(3) Vital Statistics Fund.....	3,641,358
(4) Hospital Licensing Fund.....	450,000
(5) Emergency Medical Services Fund.....	104,800

As provided in Section 22-18-4, Code of Alabama 1975.

(6) Local Health Departments.....	123,505,136
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(7) Milk Processing Fee..... 31,698

In accordance with Sections 20-1-140
through 20-1-146, Code of
Alabama 1975.

(8) Radiation Safety Fund..... 1,611,283

(9) Miscellaneous Funds..... 21,276,099

(10) Federal Funds..... 134,493,666

(11) Alabama Legacy for Environmen-
tal Research Trust Fund..... 500,729

As provided in Section 22-30B-19,
Code of Alabama 1975.

(12) Health-Medicaid Fund..... 27,990,881

Total Department of Public Health..... 36,873,578 315,205,650 352,079,228

Of the above appropriation to the
Department of Public Health, at
least \$2,000,000 shall be spent on
perinatal activities. The Depart-
ment of Public Health will reimburse
to the Alabama Medicaid Agency
the state match necessary to cover
increased revenues for services as
a result of fee increases. The
Department of Public Health will be
responsible to the Alabama
Medicaid Agency for any disallow-
ance of Public Health Department
costs as a result of federal or state
audit.

75. HEALTH PLANNING AGENCY,
STATE:

(a) Health Planning Development and
Regulation Program..... 975,000

SOURCE OF FUNDS:

(1) Certificate of Need Fees..... 925,000

(2) Departmental Receipts.....	50,000	
Total State Health Planning Agency.....	975,000	975,000

**76. HEARING INSTRUMENT
DEALERS, ALABAMA BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....		54,000
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SOURCE OF FUNDS:

(1) Hearing Instrument Dealers Fund...	54,000	
As provided in Section 34-14-33, Code of Alabama 1975.....		
Total Alabama Board of Hearing Instrument Dealers.....	54,000	54,000

**77. HEATING AND AIR CONDITION-
ING CONTRACTORS, BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....		402,000
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SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund.....	402,000	
As provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975.....		
Total Board of Heating and Air Condi- tioning Contractors.....	402,000	402,000

**78. HERITAGE TRUST FUND,
ALABAMA:**

(a) Fiscal Management Program.....		20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income.....	20,000	
Total Alabama Heritage Trust Fund.....	20,000	20,000

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79. HISTORIC BLAKELEY
AUTHORITY:

(a) Historical Resources Management Program.....	350,000
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SOURCE OF FUNDS:

(1) State General Fund.....	350,000	
Total Historic Blakeley Authority.....	350,000	350,000

80. HISTORIC CHATTAHOOCHEE
COMMISSION:

(a) Historical Resources Management Program.....	118,180
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SOURCE OF FUNDS:

(1) State General Fund.....	118,180	
Total Historic Chattahoochee Commission.....	118,180	118,180

The funds hereby appropriated are to
be expended only for grants,
projects, and/or any other legal
purposes in the State of Alabama.

81. HISTORIC IRONWORKS
COMMISSION:

(a) Historical Resources Management Program.....	386,057
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SOURCE OF FUNDS:

(1) State General Fund.....	386,057	
Total Historic Ironworks Commission...	386,057	386,057

82. HISTORICAL COMMISSION,
ALABAMA:

(a) Historical Resources Management Program.....	4,446,721
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(b) Capital Outlay Program.....	160,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	2,756,434
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The above appropriation shall be
distributed as follows:

Historical Commission, Alabama.....	724,798
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Historical Commission, Alabama- Fendall Hall.....	137,000
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Historical Commission, Alabama- Historical Markers.....	10,000
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Historical Commission, Alabama- Helen Keller's Birth- place.....	35,000
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Historical Commission, Alabama- Magnolia Grove.....	27,124
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Historical Commission, Alabama-Fort Morgan.....	129,198
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Historical Commission, Alabama-Joe Wheeler House.....	35,000
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Historical Commission, Alabama-Fort Toulouse.....	127,500
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Historical Commission, Alabama- Houston Library, Athens.....	30,000
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Historical Commission, Alabama- Elkmont Depot.....	15,000
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Historical Commission, Alabama- Crenshaw County Historical Commission.....	10,000
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Historical Commission, Alabama- Northeast Alabama Native American Cultural Center.....	25,000
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Historical Commission, Alabama- John T. Morgan House, Selma.....	8,180
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Historical Commission, Alabama-
Cahaba.....125,000

The administrative fee charged by the
Alabama Historical Commission to
the Cahaba Account shall not
exceed 3% of the above amount.

Historical Commission, Alabama-
Gaineswood.....52,998

Historical Commission, Alabama-State
Capitol.....929,636

St. Stephens Historical Com-
mission.....250,000

Mainstreet Program.....85,000

(2) Soldiers Fund..... 369,794

As provided in Section 40-8-3, Code of
Alabama 1975.

(3) Alabama State Historical
Preservation Fund-Departmental
Receipts..... 955,493

(4) Federal and Local Funds..... 525,000

Total Alabama Historical Commission.. 2,756,434 1,850,287 4,606,721

83. HOME BUILDERS LICENSURE
BOARD:

(a) Professional and Occupational
Licensing and Regulation
Program..... 1,447,327

SOURCE OF FUNDS:

(1) Home Builders Licensure Board
Fund..... 997,327

In accordance with Sections 34-14A-1
through 34-14A-17, Code of
Alabama 1975.

(2) Home Builders Licensure Board Recovery Fund.....	450,000	
Total Home Builders Licensure Board.....	1,447,327	1,447,327

84. HUMAN RESOURCES, DEPART-
MENT OF:

(a) Human Services Program.....	433,374,930
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It is the intent of the Legislature that the Department provide adequate funding for therapeutic foster care and residential care facilities. It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Of the above appropriation, at least \$2.4 million shall be expended for Before and After School Care programs and at least \$7 million shall be expended for therapeutic foster care. The Alabama Department of Human Resources will develop program standards and implement ongoing evaluations of the operating principles of the child care management agencies for the purpose of quality improvement of child day care. The Department shall expend \$50,000 for consultants necessary to develop standards and implement the evaluations and \$50,000 for a committee to develop an evaluation system. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.

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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	35,798,312		
(2) Federal and Local Funds.....		288,162,731	
(3) ABC Profits.....		500,000	
(4) Whiskey Tax.....		21,258,500	
(5) Beer Tax.....		9,300,000	
(6) Pension Residue.....		20,473,431	
(7) Sales Tax.....		1,322,000	
(8) Franchise Tax.....		19,500,000	
(9) Child Support Collections.....		5,996,362	
(10) Sales Tax for Food Stamps, Estimated.....		23,495,594	
In accordance with Section 40-23-35, Code of Alabama 1975.			
(11) Cigarette Tax.....		3,900,000	
(12) Contractor's Gross Receipts Tax. .		2,500,000	
(13) Foster Care Trust Fund.....		100,000	
(14) Child Support Interest and Fees. . .		480,000	
(15) Miscellaneous Receipts.....		588,000	
Total Department of Human Resources.....	35,798,312	397,576,618	433,374,930

85. INDIAN AFFAIRS COMMISSION,
ALABAMA:

(a) Social Services Program.....	304,000
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The above appropriation is to be
expended in accordance with
Sections 41-9-708 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	200,000		
(2) Federal and Local Funds.....		104,000	
Total Alabama Indian Affairs Commission.....	200,000	104,000	304,000

86. INDUSTRIAL DEVELOPMENT
AUTHORITY, STATE:

(a) Industrial Development Program.....			350,000
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund.....		350,000	
Total State Industrial Development Authority.....		350,000	350,000

87. INDUSTRIAL RELATIONS,
DEPARTMENT OF:

(a) Employment Security Program.....			46,506,353
(b) Industrial Safety and Accident Prevention Program.....			5,061,775
(c) Administrative Services Program....			16,033,724
(d) Workers' Compensation Program...			5,377,193

SOURCE OF FUNDS:

(1) State General Fund.....	718,887		
(2) Federal and Local Funds.....		72,260,158	
Total Department of Industrial Relations.....	718,887	72,260,158	72,979,045

88. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program.....			5,729,718
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Of the above appropriation, at least
\$50,000 shall be expended for
public rate hearings.

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SOURCE OF FUNDS:

(1) State General Fund.....	2,272,773		
(2) Fire Marshal's Fund.....		256,131	
As provided in Sections 34-33-11, 8-17-211, and 8-17-255, Code of Alabama 1975.			
(3) Examination Revolving Fund.....		3,200,814	
Total Department of Insurance.....	2,272,773	3,456,945	5,729,718

89. INSURANCE BOARD, STATE
EMPLOYEES':

(a) Administrative Support Services Program.....	1,228,260
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund.....	1,228,260	
Total State Employees' Insurance Board.....	1,228,260	1,228,260

90. INTERIOR DESIGNERS,
ALABAMA STATE BOARD OF
REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....	24,000
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SOURCE OF FUNDS:

(1) Interior Designer Fund.....	24,000	
As provided in Section 34-15A-7, Code of Alabama 1975.....		
Total Alabama State Board of Regis- tration for Interior Designers.....	24,000	24,000

91. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program..... 309,889

SOURCE OF FUNDS:

(1) State General Fund..... 309,889Total Department of Labor..... 309,889 309,88992. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:(a) Professional and Occupational
Licensing and Regulation
Program..... 49,001

SOURCE OF FUNDS:

(1) Landscape Architect's Fund..... 49,001

As provided in Section 34-17-6, Code
of Alabama 1975.....Total Board of Examiners of
Landscape Architects..... 49,001 49,00193. LIEUTENANT GOVERNOR,
OFFICE OF THE:(a) Legislative Operations and Support
Program..... 627,939

SOURCE OF FUNDS:

(1) State General Fund..... 627,939Total Office of the Lieutenant
Governor..... 627,939 627,93994. LIQUEFIED PETROLEUM GAS
BOARD:

(a) Regulatory Services Program..... 602,371

SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board
Fund..... 527,371

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(2) Liquefied Petroleum Gas Research and Education Fund.....	75,000	
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Total Liquefied Petroleum Gas Board. .	602,371	602,371
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95. LIVESTOCK MARKET BOARD,
ALABAMA PUBLIC:

(a) Agricultural Development Service Program.....		1,500
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SOURCE OF FUNDS:

(1) Alabama Public Livestock Market Fund.....	1,500	
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In accordance with Sections 2-15-115 through 2-15-127, Code of Alabama 1975.....

Total Alabama Public Livestock Market Board.....	1,500	1,500
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96. MANUFACTURED HOUSING
COMMISSION, ALABAMA:

(a) Regulatory Services Program.....		1,683,263
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund.....	1,683,263	
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As provided in Section 24-6-4, Code of Alabama 1975.....

Total Alabama Manufactured Housing Commission.....	1,683,263	1,683,263
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97. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program.....		2,196,824,700
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The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A87 and Health Care Financing Administration guidelines) for services provided.

SOURCE OF FUNDS:

(1) State General Fund.....	159,294,453	
(2) Transfer from Department of Human Resources.....		18,285,502
(3) Transfer from Department of Mental Health and Mental Retardation.....		54,847,016
(4) Transfer from Commission on Aging.....		3,024,778
(5) Transfer from Department of Public Health.....		10,114,539
(6) Transfer from Department of Youth Services.....		71,840
(7) Transfer from Department of Rehabilitation Services.....		2,421,619
(8) Public Hospitals Transfer.....		322,324,231
(9) Departmental Receipts.....		2,050,000
(10) Federal and Local Funds.....		1,593,213,722
(11) Alabama Health Care Trust Fund.....		30,500,000
(12) Transfer from University of Alabama in Birmingham.....		677,000
Total Alabama Medicaid Agency.....	159,294,453	2,037,530,247 2,196,824,700

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid.

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In addition to the above appropriation, there is hereby conditionally appropriated \$25,000,000 to the Alabama Medicaid Agency from the State General Fund, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor.

98. MEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	3,505
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SOURCE OF FUNDS:

(1) State General Fund.....	3,505	
Total Alabama Men's Hall of Fame.....	3,505	3,505

99. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Mental Illness Program.....	183,866,430
(b) Mental Retardation Program.....	120,440,593
(c) Administrative Services Program....	15,078,799

Of the above appropriation, \$160,000 shall be expended at the McNeil Project in Bessemer.

(d) Substance Abuse Program.....	22,045,250
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	65,478,486	
(2) Special Mental Health Trust Fund...	110,702,338	

For Operations and Maintenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Cigarette Tax.....	2,500,000		
(4) Departmental Receipts.....	2,000,000		
(5) Indigent Offender Alcohol/Drug Treatment Fund.....	154,500		
(6) Federal and Local Funds.....	160,595,748		
Total Department of Mental Health and Mental Retardation.....	65,478,486	275,952,586	341,431,072

Of the above appropriations for Mental Illness Services and Substance Abuse Services, funds shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds.

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100. MILITARY DEPARTMENT:

(a) Military Operations Program..... 4,780,369

SOURCE OF FUNDS:

(1) State General Fund-Operations..... 1,551,851

(2) State General Fund-Quarterly
Allowances Headquarters..... 1,300,000

(3) State General Fund-Active Military
Service..... 7,500

(4) State General Fund-Transfer to
Armory Commission..... 1,910,018

(5) State General Fund-Dropping
Allowance..... 1,000

(6) State General Fund-State Defense
Force..... 10,000

Total Military Department..... 4,780,369 4,780,369

101. MILITARY DEPARTMENT -
ARMORY COMMISSION OF
ALABAMA:

(a) Military Operations Program..... 8,319,874

(b) Capital Outlay Program..... 8,791,000

SOURCE OF FUNDS:

(1) Transfer from Military Department... 1,910,018

(2) Federal and Local Funds..... 15,070,348

(3) Military Department Billeting
Revolving Fund, Estimated..... 90,508

(4) Departmental Receipts..... 40,000

The funds hereinabove appropriated to
the Armory Commission shall be
payable from the funds in the State
Treasury to the credit of the Armory

Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund.....

Total Armory Commission of Alabama.....	17,110,874	17,110,874
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102. MOTOR SPORTS HALL OF FAME:

(a) Historical Resources Management Program.....	131,522
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SOURCE OF FUNDS:

(1) State General Fund.....	131,522
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Total Motor Sports Hall of Fame.....	131,522	131,522
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103. MUSIC HALL OF FAME, ALABAMA:

(a) Fine Arts Program.....	220,559
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SOURCE OF FUNDS:

(1) State General Fund.....	220,559
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Total Alabama Music Hall of Fame.....	220,559	220,559
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104. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	2,393,000
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund.....	2,393,000
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As provided in Sections 34-21-1
through 34-21-43, Code of
Alabama 1975.....

Total Alabama Board of Nursing.....	2,393,000	2,393,000
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105. NURSING HOME
ADMINISTRATORS, BOARD OF
EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program.....		86,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund.....	86,000	
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As provided in Section 34-20-7, Code
of Alabama 1975.....

Total Board of Examiners of Nursing Home Administrators.....	86,000	86,000
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106. OCCUPATIONAL THERAPY,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....		60,000
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SOURCE OF FUNDS:

(1) Board of Occupational Therapy Fund.....	60,000	
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As provided in Section 34-39-6, Code
of Alabama 1975.....

Total Alabama State Board of Occupa- tional Therapy.....	60,000	60,000
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107. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Develop- ment Program.....		2,127,465
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SOURCE OF FUNDS:

(1) State General Fund.....	1,882,465		
(2) Oil and Gas Board Special Fund.....		225,000	
(3) Surety Bond Deposits, Estimated....		20,000	

In accordance with Section 9-17-6,
Code of Alabama 1975.....

Total Oil and Gas Board.....	1,882,465	245,000	2,127,465
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108. PARDONS AND PAROLES,
BOARD OF:

(a) Administration of Pardons and Paroles Program.....			16,493,454
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SOURCE OF FUNDS:

(1) State General Fund.....	12,661,173		
(2) Probationers Upkeep Fund.....		3,695,796	

In accordance with Section 15-22-2,
Code of Alabama 1975.

(3) Local Funds.....		136,485	
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Total Board of Pardons and Paroles....	12,661,173	3,832,281	16,493,454
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Of the above appropriation from the
State General Fund, the Board of
Pardons and Paroles shall hire at
least 8 additional parole officers
more than were employed on
September 30, 1996.

109. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program.....			407,655
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund.....		407,655	
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As provided in Section 36-21-66, Code
of Alabama 1975.....

Total Alabama Peace Officers' Annuity and Benefit Fund.....	407,655	407,655
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110. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Services Program.....		5,917,983
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Of the above appropriation \$150,000
shall be transferred to the Flexible
Employees Benefit Board.

SOURCE OF FUNDS:

Transfers to the State Personnel
Department shall be as follows:

(1) Board of Public Accountancy.....	476	
(2) Department of Aeronautics.....	544	
(3) Commission on Aging.....	2,720	
(4) Agricultural and Conservation Development Commission.....	68	
(5) Agricultural Center Board.....	2,788	
(6) Agricultural Museum Board.....	68	
(7) Department of Agriculture and Industries.....	48,484	
(8) Alcoholic Beverage Control Board. .	107,916	
(9) Board of Registration for Architects.....	204	
(10) Archives and History.....	6,732	
(11) State Council on the Arts.....	2,516	
(12) Attorney General's Office.....	17,816	

(13) Board of Auctioneers.....	68
(14) State Auditor.....	1,768
(15) State Banking Department.....	7,072
(16) Building Commission.....	2,788
(17) Alabama Building Renovation Finance Authority.....	15,232
(18) Child Abuse and Neglect Prevention Board.....	952
(19) Chiropractic Examiners.....	136
(20) Choctawhatchee-Pea Rivers Watershed.....	136
(21) Department of Conservation and Natural Resources.....	217,600
(22) State Licensing Board for General Contractors.....	748
(23) Department of Corrections.....	446,828
(24) Board of Cosmetology.....	1,700
(25) Credit Union Administration.....	1,020
(26) Alabama Crime Victims Compen- sation Commission.....	2,924
(27) Criminal Justice Information Center.....	7,684
(28) Alabama Development Office.....	5,712
(29) State Docks.....	50,388
(30) Department of Economic and Community Affairs.....	43,248
(31) Department of Education.....	99,348
(32) Education Employees' Health Insurance Board, Public.....	1,836

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(33) Educational Television Commission.....	10,200
(34) Electrical Contractors Board.....	68
(35) Emergency Management Agency.....	7,480
(36) Employees' Insurance Board.....	2,108
(37) Board of Registration for Professional Engineers and Land Surveyors.....	816
(38) Department of Environmental Management.....	62,968
(39) Ethics Commission.....	1,496
(40) Examiners of Public Accounts.....	31,212
(41) Farmers' Market Authority.....	272
(42) Finance, Department of.....	69,768
(43) Foreign Trade Relations Commission.....	136
(44) Department of Forensic Sciences.....	18,972
(45) Forestry Commission.....	56,780
(46) Funeral Service Board.....	204
(47) Geological Survey.....	7,616
(48) Governor's Office.....	4,488
(49) Department of Public Health.....	695,776
(50) State Health Planning Agency.....	1,564
(51) Board of Heating and Air Conditioning Contractors.....	476
(52) Alabama Historical Commission....	11,832

(53) Home Builders Licensure Board....	1,360
(54) Department of Human Resources.....	589,084
(55) Alabama Indian Affairs Commission.....	476
(56) Department of Industrial Relations.....	233,920
(57) Insurance Department.....	11,356
(58) Judicial Inquiry Commission.....	68
(59) Department of Labor.....	1,088
(60) Legislative Reference Service.....	136
(61) Liquefied Petroleum Gas Board....	1,156
(62) Manufactured Housing Commission.....	2,448
(63) Alabama Medicaid Agency.....	70,380
(64) Department of Mental Health and Mental Retardation.....	610,028
(65) Military Department.....	29,648
(66) Board of Nursing.....	3,876
(67) Board of Examiners of Nursing Home Administrators.....	68
(68) Board of Occupational Therapy....	68
(69) Oil and Gas Board.....	6,324
(70) Pardons and Paroles.....	50,320
(71) Peace Officers' Annuity and Benefit Fund.....	476
(72) Peace Officers' Standards and Training Commission.....	1,088

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(73) Physical Fitness Commission.....	680
(74) Board of Physical Therapy.....	204
(75) Plumbers and Gas Fitters Examiners Board.....	2,244
(76) Public Library Service.....	7,140
(77) Department of Public Safety.....	165,648
(78) Public Service Commission.....	17,884
(79) Real Estate Appraisers Board.....	1,292
(80) Real Estate Commission.....	2,788
(81) Rehabilitation Services, Depart- ment of.....	101,252
(82) Retirement Systems.....	24,072
(83) Department of Revenue.....	187,544
(84) Secretary of State.....	5,100
(85) Securities Commission.....	3,808
(86) Board of Social Work Examiners...	340
(87) Soil and Water Conservation Committee.....	476
(88) Surface Mining Commission.....	4,420
(89) Bureau of Tourism and Travel.....	9,996
(90) Department of Transportation.....	608,668
(91) State Treasurer.....	6,120
(92) Department of Veterans' Affairs....	8,840
(93) Board of Veterinary Medical Examiners.....	68
(94) Voter Registration.....	204

(95) Department of Youth Services.....	89,352
(96) Human Resources-Contract Team.....	124,884
(97) Public Health-Contract Team.....	326,679
(98) Transportation-Contract Team.....	382,459
(99) Rehabilitation-Contract Team.....	140,701

The appropriations in (96), (97), (98),
and (99) are for an estimated
amount as agreed upon by State
Personnel Department and said
departments for model work
teams.....

Total State Personnel Department.....	<u>5,917,983</u>	<u>5,917,983</u>
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111. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	224,231
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SOURCE OF FUNDS:

(1) Physical Therapist Fund.....	224,231
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As provided in Section 34-24-195,
Code of Alabama 1975.....

Total Board of Physical Therapy.....	<u>224,231</u>	<u>224,231</u>
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112. PLUMBERS AND GAS FITTERS EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	1,300,000
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund.....	1,300,000
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As provided in Section 34-37-5, Code
of Alabama 1975.....

Total Alabama Plumbers and Gas
Fitters Examining Board.....

1,300,000

1,300,000

**113. POLYGRAPH EXAMINERS,
BOARD OF:**

(a) Professional and Occupational
Licensing and Regulation
Program.....

15,000

SOURCE OF FUNDS:

(1) Board of Polygraph Examiners
Fund.....

15,000

As provided in Section 34-25-5, Code
of Alabama 1975.....

Total Board of Polygraph Examiners....

15,000

15,000

**114. PROSECUTION SERVICES,
OFFICE OF:**

(a) Prosecution, Training, Education
and Management Program.....

1,338,833

SOURCE OF FUNDS:

(1) State General Fund.....

326,585

(2) Office of Prosecution Services
Fund.....

1,012,248

Total Office of Prosecution Services.....

326,585

1,012,248

1,338,833

**115. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:**

(a) Professional and Occupational
Licensing and Regulation
Program.....

145,399

SOURCE OF FUNDS:

(1) Board of Examiners in Psychology
Fund.....

145,399

As provided in Section 34-26-43, Code
of Alabama 1975.....

Total Alabama Board of Examiners in
Psychology.....

145,399

145,399

116. PUBLIC SAFETY, DEPART-
MENT OF:

(a) Police Services Program.....

33,483,070

Of the above appropriation, \$500,000
shall be expended by the Child
Pornography Unit.

(b) Public Safety Support Services
Program.....

11,534,766

(c) Administrative Services Program....

19,484,055

SOURCE OF FUNDS:

(1) State General Fund.....

51,296,060

(2) Transfer from Public Road and
Bridge Fund-Act 91-797.....

3,500,000

Notwithstanding the provisions of Act
91-797, the above transfer from the
Public Road and Bridge Fund may
be expended for the enforcement of
state traffic and motor vehicle laws.

(3) Federal and Local Funds.....

2,959,190

(4) Automated Fingerprint Identifica-
tion System Fund.....

1,429,641

In accordance with Sections
12-19-180 and 32-2-61, Code of
Alabama 1975.

(5) Department of Public Safety Law
Enforcement Fund.....

4,000,000

In accordance with Section 32-6-5,
Code of Alabama 1975.

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(6) Drug Offenders Reinstatement
Fund..... 10,000

(7) Commercial Driver's License
Fees..... 767,000

In accordance with Section 32-5-313,
Code of Alabama 1975.

(8) Public Safety Motor Vehicle
Replacement Fund..... 440,000

In accordance with Sections 32-2-80
through 32-2-84, Code of Alabama
1975.

(9) Boat Driver License..... 100,000

In accordance with Sections 33-5-53(f)
through 33-5-55, Code of Alabama
1975.....

Total Department of Public Safety.....	51,296,060	13,205,831	64,501,891
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Of the above appropriation from the
State General Fund to the Depart-
ment of Public Safety, \$5,000,000
is conditioned upon the carry
forward from fiscal year 1996 to
fiscal year 1997 of a balance in the
State General Fund of at least
\$10,000,000.

117. PUBLIC SERVICE
COMMISSION:

(a) Regulatory Services Program..... 5,358,359

(b) Administrative Services Program.... 5,241,641

The above appropriation includes a
transfer to the State General Fund
of \$1,500,000 in four equal
amounts at the end of each quarter
of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund....	9,926,000	
--	-----------	--

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund.....	428,000	
(3) Departmental Receipts.....	6,000	
(4) Federal and Local Funds.....	240,000	
Total Public Service Commission.....	10,600,000	10,600,000

118. REAL ESTATE APPRAISERS
BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....		647,048
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SOURCE OF FUNDS:

(1) Real Estate Appraisers Board Fund.....	647,048	
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In accordance with Sections 34-27A-1
through 34-27A-29, Code of
Alabama 1975.....

Total Alabama Real Estate Appraisers Board.....	647,048	647,048
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119. REAL ESTATE COMMISSION,
ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	2,465,325
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund.....	2,465,325
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As provided in Section 34-27-4, Code
of Alabama 1975.....

Total Alabama Real Estate Commission.....	2,465,325	2,465,325
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120. REHABILITATION SERVICES,
DEPARTMENT OF:

(a) Rehabilitation Services Program.....	1,911,575
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SOURCE OF FUNDS:

(1) State General Fund-Homebound....	1,870,341
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(2) State General Fund-Eye Injury Register.....	41,234
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Total Department of Rehabilitation Services.....	1,911,575	1,911,575
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121. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program.....	79,025,926
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	191,301
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As provided in Section 40-7-70, Code
of Alabama 1975, to maintain a
program for the equalization of ad
valorem tax assessments.

(2) State General Fund-Board of Equalization.....	76,542
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(3) Transfer from the gross proceeds of Cigarette Tax Collections.....	1,271,299
As provided in Section 40-25-27, Code of Alabama 1975.	
(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections.....	380,388
(5) Transfer from the proceeds of the Forest Severance Tax Collections...	140,041
(6) Transfer from the gross proceeds of Gasoline Tax Collections.....	6,757,708
(7) Transfer from the Income Tax Collections.....	22,804,346
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections.....	1,388,002
(9) Transfer from the gross proceeds of Motor Vehicle License Collections.....	2,928,741
(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax.....	1,392,720
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax.....	2,268,714
(12) Transfer from the gross proceeds of Sales Tax Collections.....	19,938,689
(13) Transfer from the gross proceeds of the Tobacco Tax Collections.....	60,044
(14) Transfer from the gross proceeds of Use Tax Collections.....	2,182,004
(15) Transfer from the gross proceeds of the Utility Tax Collections.....	4,844,634

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(16) Transfer from the gross proceeds
of Motor Vehicle License
Collections for the purchase only of
Motor Vehicle License Tags..... 2,365,083

(17) Inspection fees for restored
vehicles..... 1,250,000

As provided in Section 32-8-87, Code
of Alabama 1975.

(18) Transfer from Abandoned
Property Trust Fund..... 100,000

As provided in Section 35-12-39, Code
of Alabama 1975.

(19) Transfer from the gross proceeds
of the Pharmaceutical Services
Privilege Tax Collections..... 35,857

(20) Transfer from the gross proceeds
of Nursing Facility Privilege Tax
Collections..... 249,813

(21) Local Funds..... 8,400,000

The amounts hereinabove
appropriated for the cost of maintenance and operations of the
Department of Revenue are in lieu
of any other statutory provisions for
the payment of the cost of
operating said Department or
collections of the taxes as
authorized by law. Provided,
however, in addition to the amount
hereinabove appropriated, there is
hereby appropriated to the Department of Revenue all sums allowed
the Department of Revenue by
local Acts of the Legislature as a
charge for the collection of taxes or
licenses.....

Total Department of Revenue..... 267,843 78,758,083 79,025,926

122. SECRETARY OF STATE:

(a) Administrative Support Services Program.....	1,692,547
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SOURCE OF FUNDS:

(1) State General Fund.....	795,722		
(2) UCC and Farm Indexing Fund.....		233,954	
(3) Corporations Fund.....		662,871	
Total Secretary of State.....	795,722	896,825	1,692,547

123. SECURITIES COMMISSION:

(a) Regulatory Services Program.....	3,805,022
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The above appropriation includes a transfer to the State General Fund of \$1,500,000 to be made in four equal amounts at the beginning of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Securities Commission Fund.....	2,185,022		
(2) Securities Commission Fund-Transfer to State General Fund.....		1,500,000	
(3) Sale of Checks Fund.....		20,000	
(4) Industrial Revenue Bond Notification Fund.....		100,000	
Total Securities Commission.....	3,805,022	3,805,022	

124. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program.....	15,899
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To be expended in accordance with Sections 41-9-740 et seq., Code of Alabama 1975.

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SOURCE OF FUNDS:

(1) State General Fund.....	15,899	
Total Alabama Senior Citizens Hall of Fame.....	15,899	15,899

125. SOCIAL WORK EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....		155,139
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund.....	155,139	
As provided in Section 34-30-6, Code of Alabama 1975.....		
Total Alabama State Board of Social Work Examiners.....	155,139	155,139

126. SOIL AND WATER CONSERVATION COMMITTEE, STATE:

(a) Water Resource Development Program.....		1,639,626
(b) Professional and Occupational Licensing and Regulation Program.....		5,000

SOURCE OF FUNDS:

(1) State General Fund.....	1,474,626	
(2) Soil Classifiers Fund.....		5,000
As provided in Section 34-32-19, Code of Alabama 1975.		
(3) Departmental Receipts.....	165,000	
Total State Soil and Water Conservation Committee.....	1,474,626	170,000
		1,644,626

127. SOUTHERN GROWTH
POLICIES BOARD:

(a) Special Services Program..... 28,943

SOURCE OF FUNDS:

(1) State General Fund..... 28,943

Total Southern Growth Policies
Board..... 28,943 28,943128. SPEECH PATHOLOGY AND
AUDIOLOGY, ALABAMA BOARD
OF EXAMINERS FOR:(a) Professional and Occupational
Licensing and Regulation
Program..... 107,875

SOURCE OF FUNDS:

(1) Alabama Board of Examiners for
Speech Pathology and Audiology
Fund..... 107,875As provided in Section 34-28A-44,
Code of Alabama 1975.....Total Alabama Board of Examiners for
Speech Pathology and Audiology.... 107,875 107,875129. SPORTS HALL OF FAME,
ALABAMA:(a) Historical Resources Management
Program..... 139,905

SOURCE OF FUNDS:

(1) State General Fund..... 139,905

Total Alabama Sports Hall of Fame..... 139,905 139,905

130. SURFACE MINING
COMMISSION, ALABAMA:(a) Industrial Safety and Accident
Prevention Program..... 4,523,515

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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	274,460		
(2) Surface Mining Commission-Fees. .		937,000	
(3) Federal and Local Funds.....		1,312,055	
(4) Bond Forfeiture/Reclamation Projects, Estimated.....		2,000,000	
As provided in Section 9-16-103, Code of Alabama 1975.....			
Total Alabama Surface Mining Commission.....	274,460	4,249,055	4,523,515

131. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program.....			103,300
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SOURCE OF FUNDS:

(1) State General Fund.....	103,300		
Total Tennessee-Tombigbee Waterway Development Authority.....	103,300		103,300

132. TENNESSEE VALLEY EXHIBIT
COMMISSION OF ALABAMA:

(a) Promotional Development Program.....			344,171
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To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	114,979		
(2) Admissions and Concessions.....		229,192	
Total Tennessee Valley Exhibit Commission of Alabama.....	114,979	229,192	344,171

133. TOURISM AND TRAVEL, BU-
REAU OF:

(a) Tourism and Travel Promotion Program.....	7,498,677
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Of the above appropriation, \$20,000
shall be transferred to the Mountain
Lakes Tourist Association and
\$35,000 shall be transferred to the
Cahaba Trace Commission.

SOURCE OF FUNDS:

(1) State General Fund.....	535,000		
(2) Lodgings Tax (\$0.01)		6,963,677	
Receipts collected under the provisions of Sections 40-26-1, et seq., Code of Alabama 1975.....			
Total Bureau of Tourism and Travel.....	535,000	6,963,677	7,498,677

134. TRANSPORTATION, DEPART-
MENT OF:

(a) Central Administration Program.....	25,702,436
(b) Division and District Supervision Program.....	33,120,630
(c) Operations and Support Services Program.....	12,125,995
(d) Maintenance Program.....	215,338,505
(e) Non-Programmatic Programs.....	26,533,735

Proposed spending plan for the above
(e) includes the following:

Debt Service.....21,268,345

Equipment - Other than Automo-
tive.....5,265,390

(f) Construction-Federal Aid Program...	505,815,479
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Proposed spending plan for the above
(f) includes the following:

Federal Aid Matching.....113,647,920

Non-Participating Work on Federal
Projects.....1,000,000

Federal Aid.....391,167,559

(g) Construction-State Program..... 35,500,000

(h) Operations-Land and Buildings
Program..... 6,789,955

(i) Industrial Access Program..... 11,000,000

(j) Rural Access Program, Estimated.... 20,000,000

(k) Captive County Health Insurance
Program..... 168,480

(l) Transfer to Department of Public
Safety, in accordance with Act
91-797..... 3,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 225,000

(2) Public Road and Bridge Fund..... 500,702,656

(3) Public Road and Bridge Fund-for
transfer to Department of Public
Safety..... 3,500,000

(4) Federal Aid..... 391,167,559

There is hereby appropriated, for
payment of the principal of and the
interest on all bonds heretofore or
hereafter issued for public
highways and bridge purposes, or
either, by the State of Alabama,
Alabama Highway Authority,
Alabama Federal Aid Highway
Finance Authority, or Alabama
Industrial Access Road and Bridge

Corporation, a total of \$21,268,345 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation:

- (1) the appropriation made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are

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made, but shall remain available for the purposes for which such appropriations were made. In addition to all appropriations hereinabove made there is hereby appropriated to the Department of Transportation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.....

Total Department of Transportation.....	225,000	895,370,215	895,595,215
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135. TREASURER, STATE:

(a) Fiscal Management Program.....	6,230,312
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SOURCE OF FUNDS:

(1) State General Fund.....	2,565,686
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(2) Prepaid Affordable College Tuition Fund.....	3,530,251
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(3) Departmental Receipts.....	134,375
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Total State Treasurer.....	2,565,686	3,664,626	6,230,312
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136. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated.....	30,000
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SOURCE OF FUNDS:

(1) State General Fund.....	30,000
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As provided in Section 41-9-374, Code of Alabama 1975.....

Total Alabama Commission on Uniform State Laws.....	30,000	30,000
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137. VETERANS' AFFAIRS, DEPART-
MENT OF:

(a) Administration of Veterans' Affairs Program.....	10,156,217
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SOURCE OF FUNDS:

(1) State General Fund.....	3,023,997		
(2) Veterans' Home Trust Fund-Transfer.....		7,132,220	
Total Department of Veterans' Affairs...	3,023,997	7,132,220	10,156,217

138. VETERINARY MEDICAL
EXAMINERS, ALABAMA STATE
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			250,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund.....		250,000	
As provided in Section 34-29-70, Code of Alabama 1975.....			
Total Alabama State Board of Veterinary Medical Examiners.....		250,000	250,000

139. VOTER REGISTRATION IDEN-
TIFICATION PROGRAM:

(a) Special Services Program.....			310,043
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SOURCE OF FUNDS:

(1) State General Fund.....	304,043		
(2) Voter Registration Fund.....		6,000	
Total Voter Registration Identification Program.....	304,043	6,000	310,043

140. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Opportunities Program.....			10,200
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SOURCE OF FUNDS:

(1) State General Fund.....	10,200	
Total Alabama Women's Commission.....	10,200	10,200

141. WOMEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....		8,100
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SOURCE OF FUNDS:

(1) State General Fund.....	8,100	
Total Alabama Women's Hall of Fame.....	8,100	8,100

142. YOUTH SERVICES, DEPART-
MENT OF:

(a) Youth Services Program.....		9,873,108
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The above appropriation shall be
expended in accordance with the
provisions of Sections 44-1-1
through 44-1-56, Code of Alabama
1975.

(b) Youth Services-Boot Camp Programs.....		1,500,000
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SOURCE OF FUNDS:

(1) State General Fund-Community Subsidy.....	3,229,108	
(2) State General Fund-Boot Camp Programs.....	1,500,000	
(3) State General Fund-Juvenile Probation Officers Subsidy.....	6,644,000	
Total Department of Youth Services.....	11,373,108	11,373,108

The above appropriation for Community Subsidy shall include at least \$103,425 for those nonsecure programs funded in fiscal year 1995-96.

2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:

1. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program, Estimated.....	60,450
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SOURCE OF FUNDS:

(1) State General Fund.....	60,450
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As provided in Sections 15-9-1 and
15-9-3, Code of Alabama 1975.....

Total Arrest of Absconding Felons.....	60,450	60,450
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2. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated.....	82
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SOURCE OF FUNDS:

(1) State General Fund.....	82
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As provided in Sections 12-22-150 and
12-22-241, Code of Alabama
1975.....

Total Automatic Appeal Expense.....	82	82
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3. BUSKEY MATCHING FUNDS - PENNY TRUST FUND:

(a) Special Services Program, Estimated.....	100,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	100,000
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In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.....

Total Buskey Matching Funds - Penny
Trust Fund.....

100,000

100,000

4. COURT ASSESSED COSTS NOT
PROVIDED FOR:

(a) Special Services Program,
Estimated.....

2,500,000

As provided in Sections 22-52-14,
30-4-96, 26-17-17, 22-11A-1
through 22-11A-41, 12-15-71 and
12-21-131, Code of Alabama 1975.

(b) Legal Advice and Legal Services
Program.....

250,000

It is the intent of the Legislature that
the appropriation in this subsection
be expended for Court Costs to
include costs of depositions,
witness fees and expenses, filing
and docket fees, court reporters,
court judgments, attorneys fees,
out-of-court settlements and other
expenses ordered by the court or
normally identified as costs of court,
when any of the above is approved
by the Attorney General.

(c) Automatic Appeal Cases Expense
Program.....

40,307

The above appropriation shall be used
to reimburse reasonable expenses
incurred by attorneys representing
defendants under sentence of
death in state collateral
proceedings, such as those under
Rule 32 of the Rules of Criminal
Procedure. Provided, in no case
may any amount be paid unless the
court determines by written order in
advance that the cost is both

necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	2,500,000	
(2) State General Fund.....	250,000	
(3) State General Fund-Automatic Appeal Cases.....	40,307	
Total Court Assessed Costs Not Provided For.....	2,790,307	2,790,307

5. COURT COSTS-ACT NO. 558,
1957:

(a) Court Operations Program, Estimated.....	200
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SOURCE OF FUNDS:

(1) State General Fund.....	200	
Pursuant to Act No. 558, 1957, Page 777.....		
Total Court Costs-Act No. 558, 1957....	200	200

6. DISTRIBUTION OF PUBLIC
DOCUMENTS:

(a) Administrative Support Services Program.....	200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	200,000
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As provided in Sections 36-14-11,
17-22A-11 and 41-21-8, Code of
Alabama 1975.....

Total Distribution of Public
Documents.....

200,000

200,000

The above appropriation for the
distribution of public documents
from the State General Fund shall
be expended in the most cost-
efficient method of distributing the
code, legislative acts and
documents by the Secretary of
State. None of the above appropria-
tion may be expended for salaries;
fringe benefits; capital
expenditures; or other operations of
the office of Secretary of State.

7. STATE DOCKS TRANSFER:

3,500,000

SOURCE OF FUNDS:

(1) State General Fund.....

3,500,000

The above appropriation to the State
Docks shall be conditional upon the
availability of funds and shall
remain in the State General Fund
until a demonstrated need is
determined and recommended by
the Director of Finance and
approved by the Governor.....

Total State Docks Transfer.....

3,500,000

3,500,000

8. ELECTION EXPENSES:

(a) Special Services Program,
Estimated.....

3,500,000

(b) Training of Election Officials.....

72,694

For payment of expenses pursuant to
the court order entered by the U.S.
District Court, Middle District of
Alabama in Civil Action No.
84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund..... 3,500,000

As provided in Section 17-21-6, Code
of Alabama 1975.

(2) State General Fund..... 72,694

Total Election Expenses..... 3,572,694 3,572,694

9. E M E R G E N C Y F U N D ,
DEPARTMENTAL:

(a) Special Services Program..... 710,000

SOURCE OF FUNDS:

(1) State General Fund..... 710,000

This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office or agency; provided, however, it is the intent of the Legislature that as much as necessary of the appropriation made within this subsection shall be expended for the legal expenses incurred by the Office of the President of the Senate or the Office of the Lieutenant Governor. None of the above appropriation shall be transferred to the Governor's Contingency Fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the Director of Finance shall notify the Chairman of the

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Senate Committee on Economic
Expansion and Trade, the
Chairman of the House Committee
on Ways and Means, and the
Director of the Legislative Fiscal
Office of such pending transfer.....

Total Departmental Emergency Fund...	<u>710,000</u>	<u>710,000</u>
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Of the above appropriation from the
State General Fund to the Depart-
mental Emergency Fund, \$500,000
is conditioned solely upon the carry
forward from fiscal year 1996 into
fiscal year 1997 of a balance in the
State General Fund of at least
\$10,000,000.

10. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated.....		6,844,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	<u>6,844,000</u>	
Total Fair Trial Tax Transfer.....	<u>6,844,000</u>	<u>6,844,000</u>

11. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated.....		5,000,000
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SOURCE OF FUNDS:

(1) State General Fund.....	5,000,000	
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For expenses of feeding prisoners in
county jails in accordance with
Section 14-6-42, Code of Alabama
1975.....

Total Feeding of Prisoners.....	<u>5,000,000</u>	<u>5,000,000</u>
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12. FINANCE-CMIA, DEPARTMENT
OF:

(a) Fiscal Management Program, Estimated.....	700,000
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SOURCE OF FUNDS:

(1) State General Fund.....	700,000
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As provided in Section 41-4-38, Code
of Alabama 1975.....

Total Department of Finance-CMIA.....	700,000	700,000
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13. FINANCE, DEPARTMENT OF -
EMPLOYEES' SUGGESTION
AWARDS PROGRAM:

(a) Fiscal Management Program.....	10,000
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SOURCE OF FUNDS:

(1) State General Fund.....	10,000
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In accordance with Section 36-1-7,
Code of Alabama 1975.....

Total Department of Finance - Employees' Suggestion Awards Program.....	10,000	10,000
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14. FINANCE-FEMA, DEPARTMENT
OF:

(a) Readiness and Recovery Program, Estimated.....	937,500
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Payments of the State's share of
administrative costs and matching
grants furnished by the Federal
Emergency Management Agency.

SOURCE OF FUNDS:

(1) State General Fund.....	937,500
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Total Department of Finance-FEMA.....	937,500	937,500
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The above appropriation to the Department of Finance-FEMA from the State General Fund is conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the Federal Management Agency or the U.S. Soil and Conservation Service for the State of Alabama to pay a state match for FEMA or SCS grants.

15. FOREST FIRE FUND,
EMERGENCY:

(a) Forest Resources Protection and Development Program.....	180,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	180,000
--------------------------------------	---------

The appropriation to the Emergency Forest Fire Fund shall be conditional as provided by Section 9-3-10.1, Code of Alabama 1975 and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.....

Total Emergency Forest Fire Fund.....	<u>180,000</u>	<u>180,000</u>
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16. GOVERNOR'S CONFERENCE,
NATIONAL:

(a) Executive Direction Program, Estimated.....	173,602
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>173,602</u>
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Total National Governor's Conference.....	<u>173,602</u>	<u>173,602</u>
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17. GOVERNOR'S PROCLAMATION
EXPENSES:

(a) Executive Direction Program, Estimated.....	200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	200,000
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As provided in Section 17-14-21, Code of Alabama 1975.....	
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Total Governor's Proclamation Expenses.....	200,000	200,000
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18. GOVERNOR'S WIDOW
RETIREMENT:

(a) Executive Direction Program, Estimated.....	14,400
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SOURCE OF FUNDS:

(1) State General Fund.....	14,400
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As provided in Section 36-13-12, Code of Alabama 1975.....	
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Total Governor's Widow Retirement.....	14,400	14,400
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19. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program, Estimated.....	137,200
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SOURCE OF FUNDS:

(1) State General Fund.....	137,200
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As provided in Sections 28-4-311 and 28-4-312, Code of Alabama 1975.....	
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Total Law Enforcement Fund.....	137,200	137,200
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20. LAW ENFORCEMENT LEGAL
DEFENSE:

(a) Legal Advice and Legal Services
Program, Estimated..... 2,000

SOURCE OF FUNDS:

(1) State General Fund..... 2,000

To carry out provisions of Section
36-21-1, Code of Alabama 1975.....

Total Law Enforcement Legal
Defense..... 2,000 2,000

21. MILITARY - EMERGENCY
ACTIVE DUTY PAY:

(a) Military Operations Program,
Estimated..... 200,000

SOURCE OF FUNDS:

(1) State General Fund..... 200,000

As provided in Section 31-2-133, Code
of Alabama 1975.....

Total Military - Emergency Active Duty
Pay..... 200,000 200,000

22. PRINTING OF CODE
SUPPLEMENTS - LEGISLATIVE
REFERENCE SERVICE:

(a) Legislative Operations and Support
Program, Estimated..... 214,880

SOURCE OF FUNDS:

(1) State General Fund..... 214,880

As provided in Section 29-7-6, Code of
Alabama 1975.....

Total Printing of Code Supplements -
Legislative Reference Service..... 214,880 214,880

It is the intent of the Legislature that the number of Codes and Supplements printed and distributed shall be limited to the minimum number actually needed, utilized and required by law. Procedures should be adopted to verify the need and utility of required printed sets to insure printing cost savings when possible.

23. PRINTING CODES AND
SUPPLEMENTS - SECRETARY
OF STATE:

(a) Administrative Support Services Program, Estimated.....	121,317
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SOURCE OF FUNDS:

(1) State General Fund.....	121,317
-----------------------------	---------

As provided in Sections 41-21-1
through 41-21-8 and 41-4-154,
Code of Alabama 1975.....

Total Printing Codes and Supple- ments - Secretary of State.....	121,317	121,317
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It is the intent of the Legislature that the number of Codes and Supplements printed and distributed shall be limited to the minimum number actually needed, utilized and required by law. Procedures should be adopted to verify the need and utility of required printed sets to insure printing cost savings when possible.

24. PRINTING OF LEGISLATIVE
ACTS AND JOURNALS:

(a) Administrative Support Services Program, Estimated.....	443,385
--	---------

SOURCE OF FUNDS:

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(1) State General Fund..... 443,385

As provided in Sections 41-4-130
through 41-4-161, Code of
Alabama 1975.....

Total Printing of Legislative Acts and
Journals.....

443,385

443,385

25. REGISTRATION OF VOTERS:

(a) Special Services Program,
Estimated.....

2,500,000

SOURCE OF FUNDS:

(1) State General Fund..... 2,500,000

In accordance with Sections 17-4-126
and 17-4-153, Code of Alabama
1975.....

Total Registration of Voters.....

2,500,000

2,500,000

26. REMOVAL OF PRISONERS:

(a) Administrative Services and
Logistical Support Program,
Estimated.....

400,000

SOURCE OF FUNDS:

(1) State General Fund..... 400,000

As provided in Sections 15-10-70
through 15-10-73, 15-9-62, 15-9-65
and 15-9-81, Code of Alabama
1975.....

Total Removal of Prisoners.....

400,000

400,000

27. STATE GENERAL FUND,
ESTIMATED:.....

50,000,000

SOURCE OF FUNDS:

(1) Heritage Trust Income Fund
Transfer, Estimated.....

50,000,000

All income other than income realized
on the sale of Trust Fund assets
and not otherwise appropriated
herein.....

	50,000,000	50,000,000
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**2E. DEBT SERVICE FUNDED FROM
THE STATE GENERAL FUND:**

1. General Obligation Capital Improve- ment Bonds, Series B, Estimated....		1,567,500
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,567,500	
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Total General Obligation Capital Improvement Bonds, Series B, Estimated.....	1,567,500	1,567,500
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2. General Obligation Waterway Refunding Bonds, Series 1992, Estimated.....		3,000,275
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	3,000,275	
--	-----------	--

Total General Obligation Waterway Refunding Bonds, Series 1992, Estimated.....	3,000,275	3,000,275
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3. Music Hall of Fame Bonds, Estimated.....		349,100
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	349,100	
--	---------	--

Pursuant to Constitutional Amendment
No. 489 as provided in Act 88-549,
1988 Regular Session.....

Total Music Hall of Fame Bonds, Estimated.....	349,100	349,100
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4. Corrections Institutions Bonds, Estimated.....	1,260,000
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,260,000
--	-----------

Pursuant to Constitutional Amendment
No. 374 as provided for in Act No.
134, 1978 Second Special
Session.....

Total Corrections Institutions Bonds, Estimated.....	1,260,000	<u>1,260,000</u>
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5. General Obligation Capital Bonds, 1990 Series, Estimated.....	1,919,330
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,919,330
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Pursuant to Constitutional Amendment
No. 510 as provided for in Act
89-799, 1989 Regular Session.....

Total General Obligation Capital Bonds, 1990 Series, Estimated.....	1,919,330	<u>1,919,330</u>
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6. General Obligation Refunding Bonds, 1992, Series A and B, Estimated.....	44,530,319
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	44,530,319
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Total General Obligation Refunding
Bonds, 1992, Series A and B,
Estimated.....

	44,530,319	<u>44,530,319</u>
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SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections

41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to

make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 9. It is the intent of the Legislature, before any inter-agency transfers occur, of any type, including contracting, of any of the funds appropriated in this act, the agency transferring these funds shall request approval from the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade. The request shall be made in writing. The request shall explain the nature of the transfer and/or the nature of the contract. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade prior to any transfer of funds.

SECTION 10. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 11. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education, the Department of Transportation, postsecondary institutions of education and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. The Department of Public Safety may transfer surplus automobiles (those with over 100,000 miles) without the approval required in this section. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

SECTION 12. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 13. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 14. This Act shall become effective October 1, 1996.

On page 81, line 21, delete the period and insert in lieu thereof a semicolon and insert thereafter the following: 20,570 shall be transferred to the Childersburg Heritage Foundation

Amend House Bill 301 as substituted on page 54, line 30 and on page 55, line 8 by deleting the number "5,729,718" and inserting in lieu thereof the number "6,579,718".

Further amend on page 55, line 8 by deleting the number "3,456,945" and inserting in lieu thereof the number "4,306,945".

Further amend on page 55 after line 7 by inserting the following:

"(4) Insurance Agents and Brokers Continuing Education Fund 850,000"

Amend House Bill 301 as last substituted and amended on Page 102 after line 5 by inserting a new Section 3 to read as follows and renumbering all subsequent sections accordingly:

"Section 3. Notwithstanding the provisions of Section 40-13-6 there is hereby appropriated for transfer from the Alabama State Docks Bulk Handling Facility Trust Fund to the Walker County Commission the sum of \$300,000 and the appropriation for transfer from the Alabama State Docks Bulk Handling Facility Trust Fund to the Alabama Mining Academy located at Beville State Community College is hereby reduced by the sum of \$300,000."

Amend House Bill 301 as substituted on page 13 after line 31 by inserting the following:

"Of the above appropriation it is the intent of the Legislature that at least \$200,000 shall be utilized for the diagnostic laboratory in Hanceville, Alabama."

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Amend House Bill 301 as substituted on page 51 after line 10 by inserting the following: "Ft. Payne, Bridgeport and Stevenson Historical Depots/Museums \$50,000".

Further amend on page 49, line 25 by deleting the figure "4,446,721" and inserting in lieu thereof the figure "4,496,721".

Further amend on page 49, line 29 and on page 51, line 19 by deleting the figure "2,756,434" and inserting in lieu thereof the figure "2,806,434".

Further amend on page 51, line 19 by deleting the figure "4,606,721" and inserting in lieu thereof the figure "4,656,721".

Amend H. 301 on page 93, line 7 after the word "necessary" by inserting the following: ", not to exceed \$100,000,"

Amend H. 301 as substituted on page 14, after line 10 by inserting the following:

"10A. AIRPORT AUTHORITY,
ALABAMA INTERNATIONAL:

(a) Airport Development and Aeronautical Support Program.....	70,000
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SOURCE OF FUNDS:

(1) State General Fund.....	70,000	
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Total Alabama International Airport Authority.....	70,000	70,000
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Further amend on page 94, lines 23, 25 and 28 by deleting the figure "700,000" and by inserting in lieu thereof the figure "630,000".

Amend House Bill 301 as substituted on page 81, line 19 by adding the following after the word "Association" "; \$20,000 shall be allocated to the Emerald Triangle Commission;"

Amend House Bill 301 as substituted on page 38, line 4 by deleting the number "3,180,448" and inserting in lieu thereof the number "4,180,448".

Further amend on page 38, lines 6 and 8 by deleting the number "7,549,322" and inserting in lieu thereof the number "8,549,322".

Further amend on page 38, line 8 by deleting the number "7,856,770" and inserting in lieu thereof the number "8,856,770".

Further amend on page 44, line 31 and on page 45, lines 2 and 4 by deleting the number "300,000" and inserting in lieu thereof the number "687,500"

Further amend on page 92, lines 21 and 23 and on page 93 line 30 by deleting the number "710,000" and inserting in lieu thereof the number "3,500,000"

Amend House Bill 301 as substituted on page 80, lines 11, 13 and 14 by deleting the number "139,905" and inserting in lieu thereof the number "170,000".

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Knight (J) and Curry on the disagreement of the two Houses on the Senate amendment to the bill, H. 301.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to permit the Standing Committee on Ways and Means to meet while the House is in Session.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 108. MOURNING THE DEATH OF JUSTICE RICHARD L. JONES OF BIRMINGHAM, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 108.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 515. DESIGNATING TOURISM WEEK 1996 IN THE STATE OF ALABAMA.

WHEREAS, the travel and tourism industry is vital to the State of Alabama, and the United States, contributing to our economic prosperity, employment, international trade, peace, understanding, and goodwill; and

WHEREAS, travel and tourism ranks as one of Alabama's top industries in the amount of revenues generated; and

WHEREAS, tourism contributed an estimated total of \$4.571 billion to the economy in 1995 and, during that time, several million tourists visited the State of Alabama; and

WHEREAS, travel and tourism provided more than 140,169 jobs in 1995 in Alabama, accounting for a total resident income of \$2,891,983,000; and

WHEREAS, the tourism industry provides employment for more youth, women, and minorities than any industry in Alabama; and

WHEREAS, as people throughout the world become more aware of the outstanding cultural and recreational resources available in the United States, travel and tourism will become an increasingly important aspect in the lives of the people of the State of Alabama; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the second week of May 1996 is hereby designated as "Tourism Week" in Alabama and Fob James, Jr., Governor of the State of Alabama, is requested to issue a proclamation calling upon citizens throughout the state to observe this week with appropriate ceremonies and activities.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor James and to the Alabama Bureau of Tourism and Travel.

On motion of Representative Carter, the resolution, H.R. 515, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 539. COMMENDING STEPHANIE WILLIAMS FOR HER OUTSTANDING PERFORMANCE.

WHEREAS, it is with great pride and pleasure that Stephanie Williams is recognized for sharing her exceptional talents with the House Ways and Means Committee Meeting held in Mobile, Alabama, on February 28, 1996, hosted by our friend and colleague, Representative Yvonne Kennedy; and

WHEREAS, Stephanie Williams, youngest daughter of James and Stephanie Williams, began kindergarten in 1991, and is now a fourth grader at Holloway Elementary School in Mobile, Alabama, who enjoys public speaking, acting, and cheerleading; and

WHEREAS, young Stephanie is indeed deserving of highest praise for her outstanding speaking talents as first place winner in the Mardi Gras Oratorical Contest sponsored by the Martin Luther King Business and Civic Association, and Hillsdale Community African American History Month Celebration; she also was a Blue Ribbon Winner for the Adult School Community; and

WHEREAS, a recital of her other accomplishments includes four-time winner for participation in the City of Mobile Summer Talent Show, Elementary Division, and a trip to the Apollo Theatre to present her rendition of "I Can't Wait Another Minute"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That young Miss Stephanie Williams is hereby acknowledged and applauded for sharing her God-given talent with others, and direct that a copy of this resolution be presented to her with sincere wishes for future success.

On motion of Representative Carter, the resolution, H.J.R. 539, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 540. COMMENDING TIVOLI LASHUNDRA SIMS FOR HER OUTSTANDING MUSICAL PERFORMANCE.

WHEREAS, it is with great pride and pleasure that Tivoli Lashundra Sims is recognized for sharing her extraordinary musical talents with the House Ways and Means Committee Meeting held in Mobile, Alabama, on February 28, 1996, hosted by our friend and colleague, Representative Yvonne Kennedy; and

WHEREAS, young Tivoli Lashundra was born on September 2, 1986, to Terry Sims, and has two siblings, Shenique and Rajai; and

WHEREAS, at age two, she began singing at the Greater Morning Star Baptist Church and was active with the Metro Ministries Sunbeams of the Mobile Baptist Sunlight District Association; at age four, Tivoli Lashundra became a devoted participant with the Junior Ushers of Greater Morning Star; and

WHEREAS, professing her faith at age five, Miss Tivoli Lashundra attended Just Four and Five Preschool, and began first grade at Bessie C. Fonville School; and

WHEREAS, at age seven she sang and performed in a production of "We Need God in America Again" in numerous churches in Mobile County and at the Adams Mark Hotel when Reverend Rosie Grier spoke in Mobile in 1995; she also performed at AME Zion Convention in 1996, and was a flower girl for the First Lady In-Waiting at the Little Sisters of the Poor during the Mardi Gras in 1996; and

WHEREAS, young Miss Tivoli Lashundra's most requested songs are "Happy Birthday Jesus" and "Champion Of Love," and her versatile and extraordinary talent has made a positive impact and force in bringing Christian music of former times within the framework of today's contemporary environment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Tivoli Lashundra Sims is hereby acknowledged, and applauded for sharing her God-given talent with others, and direct that a copy of this resolution be presented to her with sincere wishes for future success.

On motion of Representative Carter, the resolution, H.J.R. 540, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 541. COMMENDING MEMBERS OF GIRL SCOUT TROOP 488 FLAG CORPS FOR OUTSTANDING PERFORMANCE.

WHEREAS, it is with great pride and pleasure that the following third and fourth grade members of the Flag Corps of Girl Scout Troop 488 from Council Traditional Elementary School are commended for their outstanding performance in Posting of the Colors and Pledge of Allegiance at the House Ways and Means Committee Meeting held in Mobile, Alabama, on February 28, 1996, hosted by our friend and colleague, Representative Yvonne Kennedy: Angela Kay Dunnam, whose parents are Mr. and Mrs. Gary Dunnam; Lakeshia Shaunta Lee, whose parents are Mr. and Mrs. Leslie Lee; Helen Ivonne Petersen, whose parents are Mr. and Mrs. Walter Petersen, III; Kathleen Elizabeth Walker, whose parents are Mr. and Mrs. James Walker, Jr.; Azur Dominique Warnsley, whose parents are Mr. and Mrs. Vincent Warnsley; and Marya Christine Washington, whose parents are Mr. and Mrs. Feron Washington; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each Girl Scout named herein is hereby acknowledged and applauded for sharing her God-given talent with others, and direct that a copy of this resolution be presented to her with sincere wishes for future success.

On motion of Representative Carter, the resolution, H.J.R. 541, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 542. COMMENDING WEATHERS BOLT FOR ASSISTING IN THE HOUSE WAYS AND MEANS COMMITTEE'S MOBILE MEETING.

WHEREAS, it is with great pride and pleasure that Weathers Bolt is recognized for assisting the House Ways and Means Committee Meeting held in Mobile, Alabama, on February 28, 1996, hosted by our friend and colleague, Representative Yvonne Kennedy; and

WHEREAS, young Weathers, the son of Mr. and Mrs. Preston Bolt, Jr., performed the opening prayer at the Mobile meeting; and

WHEREAS, an outstanding and popular student at Council Traditional Elementary School, Master Bolt's awards and honors include the Exceptional Achievement Award, the Good Citizen Award, and PACE Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Weathers Bolt is hereby acknowledged and applauded for providing the opening prayer at the Mobile meeting, and we hereby direct that a copy of this resolution be presented to him with sincere wishes for future success.

On motion of Representative Carter, the resolution, H.J.R. 542, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 543. CONGRATULATING HELEN DARNELL WHITTEMORE ON THE OCCASION OF HER 102ND BIRTHDAY.

WHEREAS, the Alabama Legislature is pleased to recognize Helen Darnell Whittemore, a native of St. Clair County and resident of Center Point, Alabama, on the occasion of her 102nd birthday on July 29, 1996; and

WHEREAS, married to the late F. L. Whittemore, Sr., for 58 years, Mrs. Whittemore, known affectionately as "Papa Mama," will be honored by her family and friends on July 27, 1996, at a gala birthday celebration at the Pinson Civitan Building; and

WHEREAS, listening to the hum of her 86-year-old Singer sewing machine, Mrs. Whittemore has enjoyed sewing and piecing hundreds of quilts over the years; and

WHEREAS, an amusing evening can be spent listening to Mrs. Whittemore recalling her interview by her great granddaughter's English class at Pinson Valley High School, sharing her autographed pictures from numerous Nascar drivers, including Bobby Allison, and reviewing the congratulatory birthday plaque from Governor Fob James and letter from President and Mrs. Bill Clinton; and

WHEREAS, adding to the continued excitement of this occasion was another fitting birthday surprise for Mrs. Whittemore when weatherman Willard Scott wished her a happy birthday on the NBC Today Show; and

WHEREAS, a devoted member of Steele Baptist Church, Mrs. Whittemore is the mother of nine children, six of whom are living, including John Whittemore and wife, Ruth; Deuel Whittemore and wife, Betty; F. L. Whittemore, Jr., and wife, Myrtle Lee; Bernice Matherly; Hobert Whittemore and wife, Martha; and Frances Lowe and husband, Ivan, with whom Mrs. Whittemore lives; and

WHEREAS, Helen Darnell Whittemore is the proud grandmother of 20 grandchildren, 40 great grandchildren, and seven great-great grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of her 102nd birthday, July 29,

1996, heartiest congratulations and warmest regards are hereby extended to Helen Darnell Whittemore of Center Point, Alabama, to whom a copy of this resolution shall be presented.

On motion of Representative Carter, the resolution, H.J.R. 543, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 544. COMMENDING MURRAY TEMPLE CHRISTIAN METHODIST EPISCOPAL CHURCH ON ITS 110TH ANNIVERSARY.

WHEREAS, July 30, 1996, marks the occasion of the 110th anniversary of Murray Temple Christian Methodist Episcopal Church of Anniston, Alabama, and, in recognition thereof, its pastor, the Reverend Michael Payne, Sr., and the members of the congregation are deserving of highest honors and commendations; and

WHEREAS, breaking ground for the new church was a group of devout and deeply dedicated Christians including Mattie Hall, Irene Nixon, Robert Blue, and Ozzie Murray; and

WHEREAS, after the current church building was completed in 1966, a vote was taken to change the name from Jackson Temple to Murray Temple in honor of Ozzie L. Murray, whose words of faith and deeds of kindness will long be remembered by those fortunate enough to have known her; and

WHEREAS, the spiritual and social opportunities that have been afforded the people of Murray Temple CME Church through the various programs it provides have been of great value to the members of the congregation; and

WHEREAS, over the years, innumerable dedicated Christians have made Murray Temple Christian Methodist Episcopal Church their home where they have worshipped and labored in the Lord, and this 110th anniversary is an occasion of thanksgiving and praise for His everlasting mercy and grace so generously bestowed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Murray Temple CME Church is congratulated on its 110th church anniversary, and conveyed sincere best wishes for its continued growth in the future.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Reverend Michael Payne, Sr., for presentation and appropriate display.

On motion of Representative Carter, the resolution, H.J.R. 544, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 545. RECOGNIZING DR. RICHARD A. DIEHL FOR HIS OUTSTANDING PROFESSIONAL CAREER AND UPON HIS SELECTION TO SPEAK TO THE UNITED NATIONS.

WHEREAS, highest commendation is hereby accorded University of Alabama anthropology Professor Dr. Richard A. Diehl, an expert in Olmec and other ancient Mexican art, upon his selection as guest speaker for the U.S. State Department at the United Nations in New York City on April 16, 1996, as the National Gallery of Art announces an upcoming exhibit of Olmec Art; and

WHEREAS, other distinguished speakers include Earl A. Powell, III, Director, National Gallery of Art; His Excellency H.E. Jesus Silva-Herzog, Ambassador of Mexico; Thomas F. McLarty, Counselor to the President of the United States; and Rafael Tovar, President, National Council for the Culture and the Arts of Mexico; and

WHEREAS, a native of Bethlehem, Pennsylvania, Dr. Diehl received his B.A., M.A. and Ph.D. degrees from Pennsylvania State University, and has received numerous awards and grants; and

WHEREAS, Dr. Diehl is a veteran participant in archaeological projects in Mexico and a member of the Olmec Organizing Committee for the University of Alabama, and, along with three other scholars, selected pieces to be shown at the National Gallery's exhibit, "Olmec: Art of Ancient Mexico"; and

WHEREAS, the publisher of countless books, monographs, and articles, Dr. Diehl has gained significant prominence at the University of Alabama for his creative and distinguished work in the field of anthropology, and has played a vital role in the formation, growth and progress of archaeological projects throughout the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in commending Dr. Richard A. Diehl upon his selection as speaker to the United Nations, and for his exemplary service in the field of anthropology with the University of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Diehl with our sincere best wishes for continued success with future research.

On motion of Representative Carter, the resolution, H.J.R. 545, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 547. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL LADY YELLOW JACKET GOLF TEAM OF MOBILE, ALABAMA.

WHEREAS, the McGill-Toolen High School Lady Yellow Jacket Golf Team, Mobile, Alabama, won the state championship for the third consecutive year; and

WHEREAS, the McGill-Toolen Lady Yellow Jacket Golf Team has established a tradition of excellence with 81 wins and one loss, and a 77 match winning streak, the longest in state history; and

WHEREAS, other numerous and notable accomplishments of the Lady Yellow Jackets include an impressive win at the Southern District Championship by 31 strokes and the Spring Break All America Classic in Houston, Texas, featuring the top teams from Texas; the team also claimed the Joffre Robichaud Memorial Classic, featuring top teams from the Southeast by 49 strokes, for the second year in a row; and

WHEREAS, successfully coached by Tom Buhring, the members of this amazing team are: Leigh Ankerson, senior, all-state and county; Tricia Burch, senior, all-district and county; Amy Ankerson, freshman, all-district and county; Leigh Buhring, freshman, all-district and county; and Kathryn Dudle, freshman, all-county; and

WHEREAS, the people of Mobile, Alabama, can be proud of athletic competitors of the caliber of the McGill-Toolen Lady Yellow Jacket Golf Team, who so admirably represent them in sporting events, and who possess the skill and determination to succeed in their efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the McGill-Toolen Lady Yellow Jacket Golf Team is congratulated for winning its third consecutive State Championship, and that the team members and coaching staff are commended for the exemplary manner in which they have represented their school and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.R. 547, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 90. MOURNING THE DEATH OF JACK BISHOP OF SLOUGH, BERKS, ENGLAND.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 90.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 389. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' and Teachers' Retirement Systems.

MC DANIEL LEE
Secretary

SENATE MESSAGE

On motion of Representative McDaniel, the House concurred in and adopted the Senate amendment to the bill, H. 389, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' and Teachers' Retirement Systems.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Commencing October 1, 1996, there is provided to each person currently receiving benefits whose effective date of retirement was prior to

October 1, 1996, for purposes of receiving benefits from the Teachers' Retirement System, and to certain beneficiaries of deceased members and deceased retirees currently receiving survivor benefits, if the effective date of retirement or death for the deceased retirees or deceased member was prior to October 1, 1996, for purposes of receiving benefits from the Teachers' Retirement System, a cost-of-living increase of not less than twenty-five dollars (\$25) per month and the increase shall be more if determined as follows:

(1) Two percent (2%) of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar (\$1) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance for option one.

(3) One dollar (\$1) per month for each year of service attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four unless the beneficiary under the option selected is deceased on October 1, 1996, in which case the increase shall not be reduced.

(4) One dollar (\$1) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

Section 2. (a) Commencing October 1, 1996, there is provided to certain persons identified in subsection (b) of this section who are currently receiving benefits, whose effective date of retirement was prior to October 1, 1996, for purposes of receiving benefits from the Employees' Retirement System, and to certain beneficiaries of deceased members and deceased retirees who are currently receiving survivor benefits if the effective date of retirement or death for the deceased member or retiree was prior to October 1, 1996, for purposes of receiving benefits from the Employees' Retirement System shall receive a cost-of-living increase of not less than twenty-five dollars (\$25) per month and the increase shall be more if determined as follows:

(1) Two percent (2%) of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar (\$1) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar (\$1) per month for each year of service attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four unless the beneficiary under the option selected is deceased on October 1, 1996, in which case the increase shall not be reduced.

(4) One dollar (\$1) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for

each beneficiary receiving monthly benefits from the Employees' Retirement System.

(b) The benefits provided in this section are limited to those retirees whose participation in the Employees' Retirement System was based on Section 36-27-6, Code of Alabama 1975, and whose employer at the time of retirement was local board of education or a state supported institution of higher education. The benefits granted in this section shall not apply to any other participants in the Employees' Retirement System.

Section 3. The cost-of-living increase granted to certain retired persons under the Teachers' Retirement System by this act may be financed, if possible, from existing funds of the Teachers' Retirement System subject to the following provisions and conditions:

(1) If the actuary for the Teachers' Retirement System finds that the cost-of-living increase can be paid for the 1996-97 fiscal year without appropriation of additional funds to the system without having an adverse actuarial impact on the system, beginning October 1, 1996, the board of control of the system may provide the cost-of-living increase authorized by this section. It is the intent of this section as pertains to funding similar increases in the future, that the funding thereof shall be in accordance with the requirements of Section 16-25-21. If the actuarial certification of the cost involved in funding the cost-of-living increase provided by this act, as required by Section 16-25-28, is not received by October 1, 1996, but satisfies the above condition when it is received during the 1996-97 fiscal year, then the cost-of-living increase shall be paid retroactively to October 1, 1996.

(2) If the conditions in subdivision (1) are not met, the cost-of-living increase shall be paid beginning October 1, 1997, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the state under Section 16-25-21 or any other applicable law. The provisions of this subdivision shall govern and override any seeming or actual conflicts with other provisions of this section.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for the benefits would be impaired by the cost-of-living increase provided by this act shall not be entitled to receive the increase. Any person who shall subsequently apply for benefits under the Medicaid program and who would have his or her eligibility to receive benefits impaired by the cost-of-living increase provided by this act, shall not be entitled to receive the increase after the date that the member files application for benefits under the Medicaid program.

Section 5. Commencing October 1, 1996, each person, except those whose employer participated in the Employees' Retirement System pursuant to Sections 36-27-6, 36-27-7, and 36-27-7.1, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement

System is prior to October 1, 1996, and who is receiving or is entitled to receive a monthly allowance from the Employees' Retirement System, and certain beneficiaries of deceased members and deceased retirees currently receiving survivor benefits, if the effective date of retirement or death for the deceased retiree or deceased member was prior to October 1, 1996, for purposes of receiving benefits from the Employees' Retirement System shall receive a cost-of-living increase of not less than twenty-five dollars (\$25) per month and the increase shall be more if determined as follows:

(1) Two percent (2%) of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar (\$1) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar (\$1) per month for each year of service attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four unless the beneficiary under the option selected is deceased on October 1, 1996, in which case the increase shall not be reduced.

(4) One dollar (\$1) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

Section 6. Commencing October 1, 1996, each person whose employer participates in the Employees' Retirement System pursuant to Section 36-27-6, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1996, and who is receiving or is entitled to receive a monthly allowance from the Employees' Retirement System, and certain beneficiaries of deceased members and deceased retirees currently receiving survivor benefits, if the effective date of retirement or death for the deceased retiree or deceased member was prior to October 1, 1996, for purposes of receiving benefits from the Employees' Retirement System, shall receive a cost-of-living increase of not less than twenty-five dollars (\$25) per month and the increase shall be more if determined by the formula used in Section 5. Any employer may elect by July 1, 1997, to discontinue the cost-of-living increases paid to its retired employees and certain beneficiaries pursuant to this section effective October 1, 1997. Any employer participating under Section 36-27-6, Code of Alabama 1975, may elect to come under this act at the beginning of any subsequent fiscal year and the employer shall not be required to pay this cost-of-living increase retroactively.

Section 7. Commencing October 1, 1996, each person whose employer participates in the Employees' Retirement System pursuant to Sections 36-27-7 and 36-27-7.1, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1996, and who is receiving a monthly allowance or is eligible to receive

a monthly allowance from the Employees' Retirement System, and certain beneficiaries of deceased members and deceased retirees currently receiving survivor benefits, if the effective date of retirement or death for the deceased retiree or deceased member was prior to October 1, 1996, for purposes of receiving benefits from the Employees' Retirement System, shall receive a cost-of-living increase in the amount of one-half the amount provided by the formula in Section 5 but the increase shall not be less than twelve dollars and fifty cents (\$12.50) per month.

Section 8. The cost-of-living increase granted to certain retired persons under the Employees' Retirement System by this act may be financed, if possible, from existing funds of the Employees' Retirement System subject to the following provisions and conditions:

(1) If the actuary for the Employees' Retirement System finds that the cost-of-living increase can be paid for the 1996-97 fiscal year from existing funds of the system without having a serious adverse actuarial impact on the system, beginning October 1, 1996, the board of control of the system may pay the cost-of-living increase provided in this act. It is the intent of this act as pertains to funding similar increases in the future, that the funding thereof shall be in accordance with the actuarial soundness requirements of Section 36-27-26. If the actuarial estimate of the cost involved in funding the cost-of-living increase provided by this act, as required by Section 36-27-26, is not received by October 1, 1996, but satisfies the above actuarial soundness condition when it is received during the 1996-97 fiscal year, then the cost-of-living increase shall be paid retroactively to October 1, 1996.

(2) If the conditions in subdivision (1) are not met, the cost-of-living increase shall be paid beginning October 1, 1997, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the state under Sections 16-25-21 or 36-27-24 or any other applicable law. The provisions of this subdivision shall govern and override any seeming or actual conflicts with other provisions of this section.

Section 9. The Board of Control of the Employees' Retirement System may notify any employer who participated in the Employees' Retirement System and has withdrawn from participation on the effective date of this act that the cost-of-living increases provided by this act and Act No. 93-604, 1993 Regular Session, and Act No. 94-232, 1994 Regular Session, as amended by Act No. 94-768, 1994 Special Session, are available to their retirees and beneficiaries provided the employer elects to fund the increase.

Section 10. Commencing October 1, 1996, any pensioner who retired from a city, town, county, or public or quasi-public organization of the state before the city, town, county, or public or quasi-public organization of the state became a member of the Employees' Retirement System, and who is receiving a monthly benefit prior to the effective date of this act administered by the Employees' Retirement System, may receive an increase in benefits in the amount of thirty

dollars (\$30) per month if the monthly benefit is five hundred dollars (\$500) or less; forty-five dollars (\$45) per month if the monthly benefit is more than five hundred dollars (\$500) but less than one thousand dollars (\$1,000); sixty dollars (\$60) per month if the monthly benefit is more than one thousand dollars (\$1,000) but less than two thousand dollars (\$2,000); seventy-five dollars (\$75) per month if the monthly benefit is two thousand dollars (\$2,000) or more if the city, town, county, or public or quasi-public organization of the state elects to fund the increase, provided the pensioner retired prior to October 1, 1996.

Section 11. Commencing October 1, 1996, beneficiaries of pensioners formerly participating in a retirement program of a Class 1 municipality but whose benefits are currently administered by the Employees' Retirement System shall receive a monthly increase of fifty dollars (\$50) provided the local public board elects to fund the increase. All other beneficiaries of Employees' Retirement System pensioners shall receive an increase of twenty-five dollars (\$25) per month provided the local units elect to fund the increase.

Section 12. Any county board, department, or agency responsible for the local administration of a program for a state board, department, or agency affiliated with the Employees' Retirement System on October 1, 1996, may provide the cost-of-living increase pursuant to this act to any retiree or beneficiary who retired prior to such entities participation in the Employees' Retirement System if the local administrative unit elects to fund the increase.

Section 13. Any person who received benefits under the Medicaid Program and whose eligibility for Medicaid benefits would be impaired by the cost-of-living increase provided by this act shall not be entitled to receive the increase. Any person who subsequently applies for benefits under the Medicaid Program and that person's eligibility to receive benefits is impaired by the cost-of-living increase provided by this act, shall not be entitled to receive the increase subsequent to the date that the member files application for benefits under the Medicaid Program.

Section 14. Commencing October 1, 1996, any pensioner or annuitant who retired from a city, town, county, or public or quasi-public organization of the state before the city, town, county, or public or quasi-public organization of the state became a member of the Employees' Retirement System and is receiving a monthly benefit not administered by the Employees' Retirement System shall receive a fifty dollar (\$50) per month increase provided the city, town, county, or public or quasi-public organization of the state elects to fund the increase provided the pensioner retired prior to October 1, 1996.

Section 15. The provisions of this act are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to the retired members of the Employees' Retirement System. However, those laws or parts of laws which are in direct conflict or inconsistent with this act are repealed to the extent of the conflict.

Section 16. This act shall become effective October 1, 1996, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

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BILLS ON SECOND READING

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 587. (With Substitute): To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," relating to consumer credit transactions; to amend and to provide further for definitions; to amend, clarify, and conform various provisions of Chapter 19, Title 5 to the amended definitions; to amend and provide further for finance charges and to amend and clarify finance charges applicable to consumer credit transactions which provide for simple finance charge computations; to clarify the applicability of Sections 5-19-1(1) and 5-19-3 to nonconsumer credit transactions; to amend and provide further for fees and charges which must be refunded or credited upon refinancing or renewal of a debt; to amend the disclosures required to be given under this chapter by a creditor by deleting the requirement for disclosures of real estate mortgage broker fees and points for a consumer credit transaction subject to Section 5-19-4(g) and to further clarify disclosure requirements; to clarify and to provide further for attorney fees which may be charged by a creditor on a consumer credit transaction prior to and after default by the debtor; to provide that the notice required by federal law related to home solicitation sales satisfies the notice requirements under Section 5-19-12, to shorten to 20 days the time within which a creditor must take possession of the goods where the buyer has elected to cancel the sale, and to provide that a buyer may cancel a home solicitation sale at any time within one year after the date of sale if the seller has failed to comply with the notice requirement; to amend and provide further for the prohibition against a creditor inducing a person to become obligated on more than one contract in order to obtain a higher finance charge including providing that a creditor is not

obligated to maintain two or more contracts and that a creditor has no liability for the consolidation of accounts or contracts; to amend and provide further for the remedies of a debtor and liabilities of a creditor for excess finance charges or other violations of Chapter 19, Title 5; to provide that a creditor who fails to obtain the required license may maintain an action without affecting the enforceability of the consumer credit transaction if the creditor obtains a license and pays the administrator a civil penalty; to amend and provide further for the time period during which a debtor may bring a cause of action for a violation of Chapter 19, Title 5; to amend and provide further for the insurance which may be required or offered in connection with a consumer credit transaction and for the maximum premiums and charges for insurance including credit life, disability, involuntary unemployment insurance, collateral protection insurance, property insurance, and nonfiling insurance; to amend and clarify that a creditor has no duty in the absence of a written agreement to obtain insurance; to provide that a creditor may offer and finance other insurance which is approved by the administrator; to amend and provide further for the administrator's authority to make rules and regulations and the administrator's and administrator's designee's authority to issue certain written interpretations of the provisions of Chapter 19, Title 5, to provide for the consequence of a creditor for any act or practice done or omitted in conformity with any regulation or interpretation of the administrator, administrator's designee, or other state or federal agency, or opinion of the Attorney General; to provide further for the licensing of creditors engaged in the business of making consumer loans or taking assignments of consumer credit contracts, including that a creditor having a place of business in Alabama or a resident employee whose employment includes making consumer loans or taking assignments of consumer credit contracts must obtain a license, specifying the business locations of a creditor which must be licensed, and providing that a seller with respect to a consumer credit sale contract and the financing of permitted charges is not required to be licensed under Chapter 19, Title 5, to increase the annual license fee; to provide for the confidentiality of reports of examinations, and investigations and working papers related thereto of the State Banking Department; to provide the method by which a creditor's books and records may be maintained and reproduced; to amend and clarify the nonapplicability of specified provisions of Chapter 19, Title 5, to certain real estate transactions by a creditor which is an approved mortgagee under the provisions of the National Housing Act; to provide that a creditor and any other person may sell and finance a service contract and that service contracts do not constitute insurance for certain purposes; to provide for the effect of certain provisions of this act including the retroactive application of certain amendments; to provide that the provisions of Section 5-19-11(b) relating to remedies of debtors and obligations of creditors and Section 5-19-11(c) relating to the powers of the Administrator are transferred to, and restated and amended in, Section 5-19-19(c) and Section 5-19-19(i), respectively, and that the remainder of Section 5-19-11 is repealed; to provide for severability of the provisions of this act; and to provide for an effective date.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

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S. 407. Relating to Hale County; to provide the collection and disposition of a special indexing fee.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 591. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

S. 738. Relating to Tuscaloosa County; to amend Act No. 56, 1953 Regular Session, as amended by Act No. 94-554, 1994 Regular Session, (Acts, p. 1010), to further authorize the levy of sales and use taxes with respect to selling, storing, using, or otherwise consuming retail machines used in the mining, quarrying, compounding, processing, and manufacturing of tangible personal property.

S. 729. Relating to Tuscaloosa County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 521. Relating to Choctaw County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 428. To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; and to permit the commission to terminate programs failing to satisfy these standards.

S. 432. Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan which shall include all proposals concerning capital projects; requiring the commission to review these proposals; placing a freeze on the inclusion of certain capital projects; and requiring the prioritizing of capital improvement budget requests.

S. 434. Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to establish a uniform electronic faculty unit record system and to provide for the operation of the system.

S. 713. To reopen the Employees' Retirement System for a certain time to allow an active and contributing member to purchase a certain amount of service credit in the system for certain prior service rendered while employed by a local district attorney.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 660. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

S. 655. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

S. 654. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

S. 652. To provide for the implementation of Amendment 508 of the Constitution of Alabama of 1901, authorizing the operation of bingo games in Calhoun County, Alabama, by certain nonprofit organizations; to establish the Calhoun County Bingo Regulatory Commission and to provide for the regulation of bingo in Calhoun County, Alabama.

S. 709. Relating to Calhoun County; amending Act 89-711, H. 1019, 1989 Regular Session (Acts 1989, p. 1420), providing for a special indexing fee for the installation and maintenance of the improved system of archiving and the indexing of documents and for the improvement of the services of the Office of the Judge of Probate of Calhoun County.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

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S. 710. (With Substitute): Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 707. To amend Section 4 of Act No. 756, S. 861, 1975 Special Session (Acts 1975, p. 1536), to reopen the Employees' Retirement System of the City of Montgomery for purchase of credit in the system for certain prior service with the state.

S. 706. To authorize Baptist Medical Center situated in Montgomery County, Alabama, an Alabama nonprofit corporation and an affiliate of Baptist Health Services Corporation, to employ suitable persons as police officers; to specify the powers and jurisdiction of the police officers.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 605. Relating to Walker County; amending Section 6 of Act No. 113, H. 69, 1965 First Special Session (Acts 1965, p. 162), as amended by Act No. 87-497, H. 712, 1987 Regular Session (Acts 1987, p. 755), relating to the City of Jasper Civil Service System, to provide for the compensation of the members of the civil service board.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 440. Relating to Jefferson County; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to allow former members of the Pension System who withdrew from the Pension System under Section 13 of Act No. 497, of the Regular Session of the Legislature of Alabama of 1965, as amended, and who rejoined the System pursuant to Act No. 86-706, First Extraordinary Session of 1986, to become eligible to receive Factor No. 3 of the Pension Benefit Formula for previous unpaid time, but excluding the period from the date of their withdrawal until January 3, 1987; to allow former members of the retirement system who withdrew from the System pursuant to Section 13 of said Act No. 497 and who did not rejoin the System pursuant to Act No. 86-706, a one-time opportunity to rejoin the System as

new members with eligibility to receive Factor No. 3 of the Pension Benefit Formula but excluding the period from the date of their withdrawal until January 3, 1987; to prohibit certain new members who rejoined the System from converting any of the previous unpaid membership time to paid membership time for the Pension Benefit Formula; and to repeal Act No. 93-927 of the 1993 First Special Session of the Legislature.

S. 488. Relating to Jefferson County; amending Section 3 of Act No. 89-1009, S. 32 of the 1989 First Special Session, (Acts 1989, p. 53), to eliminate the "step 5" limitation within class 30 of the annual salary of the chief deputy tax collector; the chief deputy tax collector, Bessemer Division; the chief deputy tax assessor; and the chief deputy tax assessor, Bessemer Division.

RESOLUTION

The following resolution was introduced:

By Representatives Box and Turner:

H.J.R. 551. EXPRESSING THE INTENT OF THE LEGISLATURE THAT EXISTING JURISDICTIONS OF FIRE DISTRICTS NOT BE INFRINGED UPON BY EXPANDING POLICE JURISDICTIONS.

The resolution, H.J.R. 551, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S.J.R. 79. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF PROGRAMS TO ASSIST CITIZENS WHO SUFFER FROM DEMENTIA.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

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S.J.R. 81. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING AND MAINTAINING A RURAL TRANSPORTATION SYSTEM.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representative Burke:

H.J.R. 552. A RESOLUTION CREATING A JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COMMUNITY SERVICES GRANTS.

The resolution, H.J.R. 552, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hayden, the Budget Isolation Resolution relating to the bill, H. 1030, was adopted.

Yeas 56; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Flowers, Gaines, Galliher, Gipson, Guin, Hamilton, Hammett, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Turner, Venable and Willis.

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Nay:

Representative Hayden.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hayden inadvertently voted "Nay and intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 1030.

And the bill:

H. 1030. Relating to Hale County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Hale County Commission to levy a two mill ad valorem tax for fire protection.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 1039, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Curry, Dukes, Fuller, Gaines, Galliher, Gipson, Guin, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, White and Willis.

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And the bill:

H. 1039. Relating to Butler County; authorizing the county commission to collect taxes, licenses, fees, and other revenues currently being collected by the State Department of Revenue.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Drake, Flowers, Gaines, Galliher, Graham, Guin, Hammett, Haney, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (R), Knight (A), Lindsey, Maull, McAdory, McClammy, McKee, Millican, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Petelos, Reed, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 1041, was adopted.

Yeas 40; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Carter, Curry, Drake, Gaines, Gipson, Graham, Guin, Hammett, Haney, Hill, Hilliard, Hogan, Houston, Kennedy, Knight (A), Lindsey, McAdory, McClammy, Millican, Mitchell, Morton, Murphree, Newton (D), Papucci, Parker (T), Perdue, Petelos, Reed, Rogers (M), Sanderford, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Venable and Willis.

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Nay:

Representative Warren.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1041. Relating to Wilcox County; providing for the levy, collection, and distribution of an occupational privilege license fee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 7.

Yea:

Representatives Allen, Black (M), Carter, Curry, Drake, Gaines, Gipson, Graham, Guin, Hammett, Haney, Hill, Hilliard, Hinshaw, Houston, Kennedy, Knight (J), Lindsey, McAdory, Mitchell, Morton, Murphree, Newton (D), Papucci, Parker (T), Perdue, Petelos, Reed, Rogers (M), Spratt, Starkey, Venable and Willis.

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Nay:

Representatives Box, Carothers, Hooper, Johnson (R), Maull, McKee and Newton (C).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 1044, was adopted.

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Yeas 39; Nays 0.

Yea:

Representatives Baker, Black (M), Box, Carter, Clouse, Collins, Curry, Drake, Gaines, Gipson, Guin, Hammett, Haney, Hill, Hilliard, Hogan, Houston, Johnson (R), Jorgensen, Knight (J), Lindsey, McAdory, McMillan, Millican, Morton, Murphree, Papucci, Parker (T), Perdue, Petelos, Reed, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (J), Venable and Warren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1044. Relating to Elmore County; authorizing the Elmore County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes, or fees levied thereon; to provide for the payment, collection, and distribution of the net revenues from such user fees; and to provide for a referendum on this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carothers, Carter, Clouse, Collins, Curry, Drake, Fuller, Gaines, Gipson, Guin, Hammett, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Lindsey, McAdory, McMillan, Millican, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Penry, Perdue, Petelos, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Venable and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 1046, were temporarily carried over at the request of Representative Willis.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 1047, were temporarily carried over at the request of Representative Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Jackson, the Budget Isolation Resolution relating to the bill, S. 593, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Carter, Clouse, Collins, Curry, Drake, Dukes, Gaines, Gipson, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Kennedy, Lindsey, McAdory, McDaniel, Millican, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren, White and Wren.

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And the bill:

S. 593. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1 to the bill, S. 593, said committee amendment being as follows:

Amend S. 593 on Page 1, line 23, after the word "treasury" by adding the following: effective January 1 after its approval

Further amend S. 593 on Page 2, line 25, by adding a new subsection as follows:

(d) This amendment shall be effective January 1 after its approval.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Carter, Clouse, Curry, Drake, Dukes, Ford, Gaines, Gipson, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Lindsey, McDaniel, McKee, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

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And the bill, S. 593, as amended, was read a third time at length and passed.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gipson, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Lindsey, Maull, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

-69

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, S. 649, was adopted.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Black (M), Carns, Carter, Curry, Drake, Dukes, Guin, Haney, Hawk, Hawkins, Hill, Hilliard, Houston, Johnson (E), Knight (J), Lindsey, McAdory, McClammy, McDaniel, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Petelos, Sanderford, Sanderson, Spratt, Starkey, Thomas (J), Townsend and Wren.

-35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 649. Relating to Wilcox County; proposing an amendment to the Constitution of Alabama of 1901; to levy an additional 15-mill ad valorem tax.

was read a third time at length and passed.

Yeas 65; Nays 0.

Yea:

Representatives Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Curry, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Mitchell, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, White and Wren.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, S. 398, was adopted.

Yeas 42; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carter, Clouse, Curry, Dean, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Lindsey, Minnifield, Moore, Morton, Murphree, Newton (D), Papucci, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Turnham, Willis and Wren.

-42

Nay:

Representative Rogers (J).

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO CARRY OVER TABLED

On motion of Representative Curry, the motion offered by Representative Rogers (J) to carry over the bill, S. 398, to the twenty-ninth legislative day was tabled.

Yeas 12; Nays 3.

Yea:

Representatives Curry, Gaines, Hooper, Houston, McAdory, Minnifield, Morton, Petelos, Rogers (J), Sanderson, Spratt and Townsend.

-12

Nay:

Representatives Newton (D), Payne and Perdue.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 398 TEMPORARILY CARRIED OVER

On motion of Representative Rogers (J), the bill, S. 398, was temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, S. 485, was adopted.

Yeas 28; Nays 0.

Yea:

Representatives Carns, Clouse, Curry, Drake, Gaines, Hawkins, Hilliard, Hinshaw, Houston, Johnson (E), McAdory, McMillan, Minnifield, Moore, Morton, Newton (D), Papucci, Parker (P), Payne, Perdue, Petelos, Rogers (J), Sanderson, Sims, Spratt, Starkey, Townsend and Willis.

-28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 485 TEMPORARILY CARRIED OVER

On motion of Representative Rogers (J), the bill, S. 485, was temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Crigler, the Budget Isolation Resolution relating to the bill, H. 1028, was adopted.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Buskey, Carns, Clouse, Dean, Drake, Flowers, Fuller, Gaines, Gaston, Guin, Hawkins, Hilliard, Hinshaw, Hooper, Houston, Kennedy, Lindsey, McKee, Moore, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Turnham, Willis and Wren.

-37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1028. (With Substitute): Relating to Mobile County; prohibiting any race track operation, for any purpose, from being constructed or operated in an area that has three or more residences within 1,000 yards of the location for the race track; to provide that any violation of this act is a public nuisance; and to provide for injunctive relief.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3 to the bill, H. 1028, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; prohibiting any race track operation, for any purpose, from being constructed or operated in an area that has five or more residences within 1,000 yards of the location for the race track; to provide that any violation of this act is a public nuisance; to provide for injunctive relief; and to exclude existing race tracks from the operation of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act relates only to Mobile County.

Section 2. The Mobile County Commission shall not license the construction or operation of any race track, for any purpose, in an area of the county that has five or more residences within 1,000 yards of the location for the race track.

Section 3. No person shall construct or operate a race track, for any purpose, in any area of the county within 1,000 yards of the location of the residence. Any person who violates this act shall be guilty of a public nuisance.

Section 4. (a) This act shall be enforced by the Mobile County Commission.

(b) The Mobile County Commission may commence a civil action in the name of the Mobile County Commission in the Circuit Court of Mobile County, Alabama, to abate or enjoin any violation of this act. In any action pursuant to this subsection, the Circuit Court of Mobile County, Alabama, is authorized to assess all costs of abating a public nuisance declared by this act, including attorney's fees, court costs, and all other expenses of litigation, against the person creating or maintaining the public nuisance.

Section 5. This act shall not be applicable for any existing race track in operation on the effective date of this act.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 40; Nays 1.

Yea:

Mr. Speaker, Black (M), Buskey, Clouse, Crigler, Curry, Dean, Drake, Ford, Gaines, Gaston, Guin, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Kennedy, Lindsey, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Papucci, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Willis and Wren.

Nay:

Representative Warren.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1028. Relating to Mobile County; prohibiting any race track operation, for any purpose, from being constructed or operated in an area that has five or more residences within 1,000 yards of the location for the race track; to provide that any violation of this act is a public nuisance; to provide for injunctive relief; and to exclude existing race tracks from the operation of this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Black (M), Buskey, Carns, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Gaines, Gaston, Guin, Hill, Hinshaw, Hooper, Johnson (E), Kennedy, Lindsey, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Willis and Wren.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, S. 513, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carter, Clouse, Collins, Curry, Dolbare, Drake, Flowers, Gaines, Galliher, Gipson, Guin, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Lindsey, McDaniel, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend and Turnham.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 513. To amend Sections 13 and 14 of Act No. 79-157, S. 222 of the 1979 Regular Session (Acts 1979, p. 256), establishing the police officer's and firefighter's retirement fund for the City of Anniston in Calhoun County, to redefine further the formula for the computation of plan benefits; and to provide for optional benefit plans to be offered to members of the retirement plan.

was read a third time at length and passed.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Kennedy, Lindsey, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, S. 687, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carter, Clouse, Curry, Drake, Ford, Gaines, Gipson, Guin, Hayden, Hill, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, McClammy, McKee, Millican, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sims, Spratt, Starkey, Townsend, Turnham, Venable, Willis and Wren.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 687. (With Amendment): Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of properly licensed retailers serving the general public in the city.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 5 to the bill, S. 687, said committee amendment being as follows:

On page 1, line 21, after the word "Sunday" insert the following language: after 1 p.m.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 42; Nays 4.

Yea:

Mr. Speaker, Allen, Black (M), Clouse, Curry, Drake, Gaines, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, Maull, McClammy, McKee, Millican, Minnifield, Morton, Murphree, Newton (D), Papucci, Parker (T), Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sims, Spratt, Starkey, Thomas (J), Willis and Wren.

-42

Nay:

Representatives Carns, Payne, Smith and Townsend.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 687, as amended, was read a third time at length and passed.

Yeas 29; Nays 12.

Yea:

Mr. Speaker, Boyd, Burke, Drake, Gipson, Guin, Hayden, Hinshaw, Hooper, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, Maull, McClammy, McDaniel, McKee, Millican, Murphree, Newton (D), Perdue, Rogers (J), Rogers (M), Sanderford, Spratt, Starkey, Thomas (J) and Turner.

-29

Nay:

Representatives Carns, Collins, Gaines, Hamilton, Hawkins, Hill, Jorgensen, Layson, Payne, Sanderson, Smith and Townsend.

-12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, H. 1047, which was previously temporarily carried over, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Clouse, Collins, Curry, Drake, Fuller, Gaines, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Lindsey, Maull, McClammy, Millican, Minnifield, Morton, Murphree, Newton (D), Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1047. Relating to Calhoun County; to provide for the rehabilitation of certain persons convicted of any type crime and sentenced to a term of confinement in the Calhoun County jail or state prison; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; and to repeal all laws or parts of laws which conflict with this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Curry, Drake, Gaines, Gipson, Guin, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Lindsey, Maull, McClammy, McDaniel, Millican, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (J), Townsend, Venable and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Hinshaw to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 924, was lost.

Yeas 3; Nays 3.

Yea:

Representatives Hinshaw, Jorgensen and Papucci.

- 3

Nay:

Representatives Hall (A), Haney and Sanderford.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 94. Relating to Mobile County; exempting certain metal structures used for hunting camps, hunting clubs, or hunting lodges in the unincorporated areas of the county from the inspection requirements of county ordinances and the county building code relating to plumbing, electricity, and other utilities.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the House concurred in and adopted the Senate amendment to the bill, H. 94, said Senate amendment being as follows:

Amend H. 94 on Page 2, Line 3 by inserting a new Section 2 as follows and renumbering the previous Section 2 as Section 3:

"Section 2. In order to qualify for the exemption established by Section 2 herein, all owner(s) of record of the realty on which the hunting camp, hunting club, or hunting lodge is located shall execute before a notary public a release; (1) identifying the metal structure or metal shed located on said property which is to be used exclusively for a hunting camp, hunting club or hunting lodge; (2) certifying that the structure is and, for the remainder of its existence shall continue to be, so used; (3) stating that the structure is exempt from county inspection requirements and from the county building code relating to plumbing, electricity and other utilities; (4) stating that no public official has inspected the structure for compliance with the county building code or other safety standards; and (5) including a release and hold harmless agreement duly executed by the owner(s) stating that they, their grantees, heirs, devisees, assignees and all successors in interest release Mobile County and shall hold it harmless and indemnify it from and against any and all claims arising from any act or omission relating to the metal structure herein identified, including its failure to comply with any safety standards established by any source whatsoever. Said release and hold harmless shall be recorded in the Probate Court of Mobile County, shall be indexed to appear in the chain of title of the realty of which the hunting camp, hunting club or hunting lodge is located, and shall run with the land.

Yeas 11; Nays 0.

Yea:

Mr. Speaker, Black (M), Dean, Drake, Houston, Johnson (E), McAdory, Newton (D), Spratt, Starkey and Turner.

-11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 435. Relating to Russell County; to authorize the board of health to designate the environmental services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Vance, the House concurred in and adopted the Senate amendment to the bill, H. 435, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Russell County; to authorize the board of health to designate the environmental services for which a reasonable fee may be charged and to set the appropriate fee for each service.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Russell County Board of Health shall designate the environmental services by the Russell County Health Department for which a fee may be levied and shall set the fee to be levied for each service. Any fees to be levied, or increased, pursuant to this act shall be subject to prior approval by the Russell County Commission. Prior to the approval by the Russell County Commission, the Russell County Health Department shall publish written notice for two consecutive weeks of the levy or increase of fees in a newspaper of general circulation published in the county. The Russell County Health Department shall levy and collect the fees authorized by this act. All fees collected shall be appropriated to the Russell County Health Department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 36; Nays 0.

**REGULAR SESSION
28th Day**

2961

Yea:

Mr. Speaker, Black (M), Carothers, Collins, Curry, Dean, Flowers, Gaines, Gipson, Guin, Hayden, Hill, Hinshaw, Hooper, Johnson (E), Jorgensen, Lindsey, Maull, McMillan, Millican, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Smith, Thomas (J), Vance, Venable and White.

-36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 480. Relating to Henry County; providing further for the assessment and collection of ad valorem taxes on motor vehicles; transferring certain duties and responsibilities of the revenue commissioner or tax assessor and tax collector to the judge of probate; requiring an additional bond of the judge of probate; providing for the deposit of fees and commissions in the general fund of the county.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Baker, the House concurred in and adopted the Senate amendment to the bill, H. 480, said Senate amendment being as follows:

On page 1, line 18, after the word "county" insert the following language: "; and providing for a referendum"

On page 5, after line 16, insert the following as a new Section 9 and renumber existing Section 9 as Section 10:

"Section 9. This act shall be inoperative and void unless it is approved by a majority of the qualified electors of the county who vote thereon at the next general election in the county. The election shall be held and conducted as are elections on constitutional amendments on a date determined by the county commission. Notice of the election shall be given by the judge of probate and shall be published once a week for three successive weeks before the day of the election. On the ballots used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law authorizing the transfer of certain duties relating to the assessment and collection of ad valorem taxes on motor vehicles from the revenue commissioner or tax assessor and tax collector to the revenue commissioner?

"Yes____ No____."

"If a majority of the votes cast at the election are affirmative votes, this act shall have full force and effect on the first day of the second month following the election. If a majority of the votes cast are negative votes, this act shall have no further effect. The judge of probate shall certify the results of the election to the Secretary of State."

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Carothers, Collins, Gaines, Gipson, Guin, Hayden, Hill, Hilliard, Hogan, Hooper, Johnson (R), Lindsey, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Venable, Warren and Willis.

-37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 499. To propose an amendment to the Constitution of Alabama of 1901, relating to Henry County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments in the county; providing for expenditure and accounting of the funds; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Baker, the House concurred in and adopted the Senate amendment to the bill, H. 499, said Senate amendment being as follows:

On page 4, line 12, delete the language "1995-96" and insert in lieu thereof: "1996-97"

On page 4, line 17, delete the language "primary election in June" and insert in lieu thereof: "general election in November"

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Clouse, Collins, Drake, Flowers, Fuller, Gaines, Gipson, Guin, Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, Millican, Minnifield, Moore, Murphree, Papucci, Parker (T), Perdue, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Turnham and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 567. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Johnson (R), the House concurred in and adopted the Senate amendment to the bill, H. 567, said Senate amendment being as follows:

On page 2, line 17, add a new subsection as follows:

"(d) For purposes of this act, the word "employees" does not include persons serving as assistant district attorneys."

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Collins, Dolbare, Drake, Fuller, Gaines, Gipson, Guin, Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McDaniel, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 732. Relating to Talladega County, to propose an amendment to the Constitution of Alabama of 1901, to establish the Talladega County Judicial Commission and provide for the filling of vacancies in the office of judge of the circuit court, judge of the district court, or district attorney.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Johnson (R), the House non-concurred in the Senate amendment to the bill, H. 732, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

On page 2, delete lines 17 to 23, inclusive, in their entirety and insert in lieu thereof the following: attorney. The five members of the commission shall consist of the following: The commissioner of the Alabama State Board of Bar Commissioners representing Talladega County, as an ex officio member; an attorney who is a member in good standing of the Alabama State Bar and a resident of Talladega County, who shall be appointed by the Talladega County Bar Association; and three residents of Talladega County who need not be members of the Alabama State Bar. Appointed members shall serve for terms of four years. A vacancy in the office of a member of the commission shall be filled for

On page 3, line 3, delete the language "nonlawyer member" and insert in lieu thereof the following: three resident members

On page 3, lines 5 and 6, delete the language "nonlawyer member" and insert in lieu thereof the following: three resident members

On page 3, delete lines 9 to 12, inclusive, in their entirety and insert in lieu thereof the following: Talladega County shall certify in writing to the Judge of Probate of Talladega County the name of the Alabama State Bar Commissioner representing Talladega County, as an ex officio member, and the name of the attorney appointed by the Talladega County Bar Association. The members of the State

On page 3, lines 14 and 15, delete the language "name of the nonlawyer member" and insert in lieu thereof the following: names of the three resident members

On page 4, line 4, delete the language "presiding judge of the circuit court" and insert in lieu thereof the following: Alabama State Bar Commissioner representing Talladega County

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Collins, Curry, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Lindsey, Maull, McDaniel, McKee, Millican, Minnifield, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Perdue, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Willis and Wren.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Johnson (R), Boyd and Sims on the disagreement of the two Houses on the Senate amendment to the bill, H. 732.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 79. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF PROGRAMS TO ASSIST CITIZENS WHO SUFFER FROM DEMENTIA.

Also:

S.J.R. 81. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING AND MAINTAINING A RURAL TRANSPORTATION SYSTEM.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 464. To amend Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28 of the Code of Alabama 1975, relating to the contractors licensing board; to further define the term general contractor; to provide for the licensing of subcontractors; to remove the requirement that the Governor may remove a board member at any time; to provide further for licensing fees, disciplinary procedures and fines, advertisements for bids, notice of meetings, compensation and expenses of members of the board, and certain allocations to public institutions of higher learning; and to provide for penalties.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Freeman, Langford, and Hale.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turnham, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 464.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Collins, Curry, Drake, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Jorgensen, Knight (A), Layson, Lindsey, Maull, McDaniel, McKee, Melton, Millican, Minnifield, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Perdue, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Turnham, Laird and Sanderson on the disagreement of the two Houses on the House amendment to the bill, S. 464.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 553. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty-Eighth legislative day, Wednesday, May 8, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 299 (By Reed)	3
Tuskegee University, approp.	
H. 308 (By Fuller)	176
Talladega College, approp.	
H. 311 (By Fuller)	5
Marion Military Institute, approp.	
H. 340 (By Fuller)	176
Lyman Ward Military Academy, approp.	
H. 68 (By White)	205
Southern Normal School, approp.	
H. 555 (By Fuller)	40
Sentencing Institute, approp.	

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H. 1040 (By Fuller) 201

Education Technology Fund, unexpended and unencumbered funds, reappropriated, distrib.

H. 125 (By Fuller) 4

Education Dept., approp.

S. 141 (By McClain) 98

Nuisances, abatement of drug-related, procedures, penalties

S. 183 (By Ghee) 132

Firearms, possession on school premises, Class B felony, Sec. 13A-11-72 am'd.

S. 244 (By Langford) 94

Charities, registration by charitable organizations req., penalties, remedies available to Atty. Gen., Secs. 13A-9-70, 13A-9-71, 13A-9-72, 13A-9-76 am'd.

S. 226 (By Little) 97

Juveniles, transferred to criminal ct., not eligible for youthful offender status, sentenced as an adult, Sec. 12-15-34 am'd.

S. 245 (By Bedford) 147

Education, students with illegal drugs, alcohol, or deadly weapon, expelled for one school year, attendance of alternative school

S. 119 (By Biddle) 93

Juvenile offenders, detaining of, procedure, alt., Secs. 12-15-53, 12-15-61, 12-15-71 am'd.

S. 463 (By Bailey) 97

Juvenile ct., transfer of juvenile to adult ct. to include all lesser included offenses, Sec. 12-15-34 am'd.

S. 264 (By Adams) 95

Juvenile offenders, identification of, procedure alt., Secs. 12-15-100, 12-15-101, 12-15-102, 41-9-622, 41-9-623 am'd.

S. 164 (By Bailey)	92
Abuse orders, mandatory criminal penalty for a willful violation, Secs. 30-5-10, 30-5A-3 am'd.	
S. 137 (By Butler)	127
Class A felony convictions in which a deadly weapon is used and serious physical injury results, defendant to serve entire sentence, Sec. 13A-5-6 am'd.	
S. 91 (By Bailey)	75
Real Estate Comm., public membs. added, notification re disposition of complaint req., Sunset recommendations, Secs 34-27-2, 34-27-7, 34-27-32, 34-27-35, 34-27-36 am'd.	
S. 303 (By Hale)	113
Air Pollution Control Act, fines prescribed for violations, Sec. 22-28-22 am'd.	
S. 126 (By Mitchell)	79
Voting machines, discontinuance of by city and co., alt., Sec. 17-9-5 am'd.	
S. 19 (By Hill)	84
Transient occupancy tax, summer camps exempt, Sec. 40-26-1 am'd.	
S. 265 (By Adams)	70
Prisons, possession or introduction of unlawful currency or coin contraband, Class B misdemeanor, Sec. 13A-10-38 am'd.	
S. 27 (By Adams)	80
Driver Training School License Act, schools operated by American Association of Retired Persons, exempt from, Sec. 32-14-5 am'd.	
S. 20 (By Waggoner)	57
Samford University, police officers, powers, Sec. 16-22-1 am'd.	
On motion of Representative Carter, the resolution, H.R. 553, was adopted.	

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 342. Relating to DeKalb County; providing for an advisory referendum on the election of members of the county commission.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

H. 299 TAKEN UP

And the bill:

H. 299. (With Substitute): To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

as amended on the twenty-sixth legislative day was taken up.

SUBSTITUTE OFFERED

Representative Reed offered the following substitute to the bill, H. 299, as amended:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, to require a report to the Legislature concerning school tuition and admitting policies, and to require an operations plan prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$3,968,250 to Tuskegee University from the Education Trust Fund for the support and maintenance of said institution. The Board of Trustees of Tuskegee University shall make a report to the Legislature by December 1, 1996, detailing the institution's proposed plans and policy changes regarding tuition charged to out-of-state students and creation of a program to encourage enrollment of in-state students. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of this report.

Section 4. This act shall become effective October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 49; Nays 0.

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Yea:

Mr. Speaker, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carter, Curry, Dolbare, Fuller, Graham, Guin, Hall (L), Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, Maull, McAdory, Melton, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Rogers (J), Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Warren and White.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE OFFERED

Representative Morton offered the following substitute to the bill, H. 299, as amended:

To make an appropriation of \$3,670,631 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

SUBSTITUTE TABLED

On motion of Representative Fuller, the substitute offered by Representative Morton to the bill, H. 299, as amended, was tabled.

Yeas 46; Nays 17.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Buskey, Carothers, Carter, Curry, Ford, Fuller, Guin, Hall (L), Hamilton, Hammett, Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Maull, McAdory,

Melton, Minnifield, Mitchell, Morrison, Morrow, Newton (C), Newton (D), Perdue, Reed, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren and White.

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Nay:

Representatives Burke, Carns, Dolbare, Gaines, Hawkins, Laird, Millican, Moore, Morton, Murphree, Papucci, Parker (P), Payne, Sanderford, Sanderson, Seibenhener and Townsend.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 286. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE EDUCATION TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1997.

McDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 1028. Relating to Mobile County; prohibiting any race track operation, for any purpose, from being constructed or operated in an area that has five or more residences within 1,000 yards of the location for the race track; to provide that any violation of this act is a public nuisance; to provide for injunctive relief; and to

exclude existing race tracks from the operation of this act.

TOMMY CARTER
Chairman

And the bill, H. 1028, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 152. To make it unlawful to destroy or deface traffic signs or to deface public buildings or public property; to provide that parents of minors who are convicted of destroying or defacing traffic signs or defacing public buildings or public property would be liable for the actual damages caused by the minor; and to provide for penalties.

Also:

H. 835. Relating to Crenshaw County; provides that this act shall be designated as "Crenshaw 1st," an act of Crenshaw countians helping Crenshaw countians; authorizing the Crenshaw County Commission to levy certain additional taxes; to provide for the collection, distribution and use of the proceeds of such taxes; to provide for the enforcement of this act by the State Department of Revenue; to prescribe penalties and fix punishment for violation of this act; and to provide that the authorization of the county governing body to levy the additional taxes authorized in this act must first be approved by a majority of the electors of Crenshaw County in a referendum.

Also:

H. 928. Relating to Montgomery County; providing further for the compensation of the elected official in the Office of the Revenue Commissioner.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 389. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' and Teachers' Retirement Systems.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 299 RESUMED**AMENDMENT OFFERED**

Representative Seibenhener offered the following amendment to the bill, H. 299, as amended:

On page 3, line 1, after the word "Finance" add the following additional language: , and must be subject to all regulations of and the jurisdiction of the Alabama Commission on Higher Education

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AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative Seibenhener to the bill, H. 299, as amended, was tabled.

Yeas 43; Nays 21.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Buskey, Carothers, Clark (W), Curry, Drake, Ford, Fuller, Graham, Guin, Hammett, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Mauli, McAdory, McClammy, McDaniel, Melton, Morrow, Newton (D), Page, Parker (T), Reed, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable and White.

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Nay:

Representatives Carns, Dolbare, Gaines, Gaston, Gipson, Hawkins, Laird, McKee, Millican, Morton, Murphree, Papucci, Parker (P), Payne, Rogers (M), Sanderson, Seibenhener, Starkey, Thomas (D), Townsend and Warren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Drake's machine was voted "Yea" while he was out of the chamber and he intended to vote "Nay" on passage of the bill, H. 687, as amended.

PERMISSION GRANTED

In accordance with Article IV, Section 55, of the Constitution of Alabama, 1901, permission was granted for the Journal to reflect the following information by Representative Sims:

According to information received from the Legislative Fiscal Office, the average cost to the taxpayers of Alabama for each student paying full out-of-state tuition averages \$3,392.00. This figure may not be totally accurate because many students enrolled in Alabama Universities who came from other states are paying

resident tuition because they have met "residency requirements" of the various universities. According to ACHE over 30,400 students are currently attending Alabama Universities who were residents of other states prior to enrollment. At one major state university, out of 5,400 seniors enrolled only 162 were paying out-of-state tuition. It is obvious when we factor in the out-of-state students who are paying resident tuition at the actual state appropriation for out-of-state students is much higher than \$3,392.00. However, using the \$3,392.00 figure as an index we could assume that the 30,400 plus students in Alabama Universities receive almost \$100 million in tax assistance from Alabama taxpayers.

I am attaching a memorandum from the Legislative Fiscal Office to be entered into the record in addition to this statement.

In response to your request concerning "subsidies" for non-resident students I am attaching a copy of a table prepared by a ACHE based on the University of Wisconsin System model of costs as related to public four-year education. To summarize information relevant to your request:

Average estimated cost of public four-year education per student is \$6,600

Average estimated State appropriation per student is \$3,392

Average estimated tuition and fees paid by each non-resident student is \$3,656

ACHE's model indicates that on average; since \$6,600 is the average cost to educate a student and each non-resident students pays on average \$3,656, a deficit for the education of an non-resident student is an estimated \$2,944.

This estimated average \$2,944 deficit can be compared to a \$4,400 estimate based on another study by Stan Wilson, a former Auburn University vice president. I have not seen the study done by Mr. Wilson and consequently am unable to verify it's validity. In addition, another view is that there is no subsidy if other factors are considered, such as the added economic activity brought to the state based on the spending of the non-resident students.

Again, please note that I have presented only a few estimates in this memo; certainly not a comprehensive list. Also, when looking at the attached table you will see how diverse the estimates are for each institution, therefore, it may be advantageous to compare this cost information among the institutions instead of comparing based on an average. Please let me know if I can be of further assistance.

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DEMONSTRATION OF COSTS-PER-STUDENT ALLOCATIONS AND COMPARATIVE STATISTICS

Fiscal and Academic Year 1993-94

					Undergraduate Tuition		Appropriation		\$RAP Plus Tuition			
	Total Expenditures	Allocated to Cost Per Stud.	Fall FTE	Cost Per Student	Resident \$CHG % of Cost	Nonresident \$CHG % of Cost	\$RAP Per FTE		\$RAP % of Cost	Percent of Cost Resident	Percent of Cost Nonres.	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
A&M	\$61,852,822	\$29,270,066	4,881	\$5,997	\$1,600	26.7	\$3,150	52.5	\$3,529	58.8	85.5	111.4
ASU	49,752,252	31,536,689	5,046	6,250	1,608	25.7	3,108	49.7	3,963	63.4	89.1	113.1
ASC	12,623,501	10,157,642	2,268	4,479	1,485	33.2	2,925	65.3	2,271	50.7	83.9	116.0
AU	339,136,441	123,647,927	20,867	5,926	1,950	32.9	5,850	98.7	3,851	65.0	97.9	163.7
AUM	36,870,463	26,431,808	5,239	5,045	1,800	35.7	5,400	107.0	2,589	51.3	87.0	158.3
JSU	48,363,633	36,973,090	6,456	5,727	1,680	29.3	2,520	44.0	3,233	56.5	85.8	100.5
TSU	46,534,103	26,930,045	5,651	4,766	1,772	37.2	2,959	62.1	2,938	61.7	98.8	123.7
TSUD	9,771,317	7,808,577	1,854	4,212	1,697	40.3	2,884	68.5	1,662	39.5	79.8	107.9
TSUM	9,247,212	6,957,849	2,011	3,460	1,710	49.4	3,420	98.8	1,520	43.9	93.4	142.8
UA	280,612,262	133,422,960	16,841	7,923	2,172	27.4	5,424	68.5	4,094	51.7	79.1	120.1
UAB	887,410,933	116,233,557	11,930	9,743	2,358	24.2	4,458	45.8	5,566	57.1	81.3	102.9
UAH	87,765,454	36,270,435	5,026	7,217	2,418	33.5	4,836	67.0	4,501	62.4	95.9	129.4
UM	28,522,097	19,737,911	2,731	7,227	2,280	31.5	4,500	62.3	3,972	55.0	86.5	117.2
UNA	34,829,032	26,410,277	4,228	6,247	1,586	25.4	2,186	35.0	3,525	56.4	81.8	91.4
USA	360,956,664	59,924,122	9,620	6,229	2,223	35.7	3,023	48.5	3,303	53.0	88.7	101.6
UWA	16,120,221	10,618,170	1,780	5,965	1,863	31.2	1,863	31.2	3,760	63.0	94.3	94.3
UAB-												
Walker	4,439,615	3,052,792	440	6,938								
TOT	\$2,314,808,022	\$705,383,917	106,869	\$6,600								

Note: Total Expenditures for AU, UA, UAB, UAH, and USA include the following type programs:

Professional Health and Health Related education, Agricultural Experiment and Extension, and Medical Center Hospital operations.

Cost allocation and Cost Per Student based on University of Wisconsin System definitions and procedures.

H. 299 RESUMED

And the bill:

H. 299. To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, to require a report to the Legislature concerning school tuition and admitting policies, and to require an operations plan prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 1.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Curry, Drake, Ford, Fuller, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Perdue, Reed, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Parker (P).

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 308, was adopted.

Yeas 67; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Curry, Drake, Ford, Fuller, Galliher, Graham, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Dolbare, Gaines, Gipson, Parker (P) and Rogers (M).

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And the bill:

H. 308. (With Substitute) (With Amendment): To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 308, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$417,540 to Talladega College from the Education Trust Fund for the support and maintenance of said institution. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of this report.

Section 4. This Act shall become effective October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Curry, Drake, Ford, Fuller, Galliher, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Penry, Perdue, Reed, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-72

Nay:

Representatives Dolbare, Gaines, Gipson, Hall (A), Parker (P) and Rogers (M).

- 6

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 308, as amended, said committee amendment being as follows:

Amend H. 308 As Substituted on Page 1, lines 11 and 20 by adding after "1997," the following: "requires a report to the Legislature concerning school tuition and admitting policies".

Further amend on Page 2 after the period on line 4 by adding the following language: "The Board of Trustees of Marion Military Institute shall make a report to the Legislature by December 1, 1996 detailing the institution's proposed plans and policy changes regarding tuition charged to out-of-state students and creation of a program to encourage enrollment of in-state students."

AMENDMENT ADOPTED

And the amendment was adopted.

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Yeas 69; Nays 6.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Collins, Curry, Drake, Ford, Fuller, Galliher, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Reed, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-69

Nay:

Representatives Dolbare, Gaines, Gipson, Hall (A), Parker (P) and Rogers (M).

- 6

SUBSTITUTE OFFERED

Representative Parker (P) offered the following substitute to the bill, H. 308, as amended:

To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of the University of North Alabama for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

SUBSTITUTE TABLED

On motion of Representative Fuller, the substitute offered by Representative Parker (P) to the bill, H. 308, as amended, was tabled.

Yeas 59; Nays 12.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Buskey, Carothers, Carter, Curry, Drake, Ford, Fuller, Galliher, Graham, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Morrison, Morton, Murphree, Newton (C),

Newton (D), Page, Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-59

Nay:

Representatives Dolbare, Gaines, Gipson, Guin, Hall (A), Hamilton, Millican, Papucci, Parker (P), Rogers (M), Seibenhener and Starkey.

-12

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 542. Relating to public institutions of higher education and the Alabama Commission on Higher Education; to amend Section 16-5-4 of the Code of Alabama 1975; to designate the chief executive officer of the commission as the executive director and remove the requirement that the executive director be confirmed by the Senate every four years.

McDOWELL LEE
Secretary

H. 308 RESUMED

And the bill:

H. 308. To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1997, requires a report to the Legislature concerning school tuition and admitting policies, and to require an operations plan prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 8.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Curry, Drake, Ford, Fuller, Galliher, Graham,

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Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-70

Nay:

Representatives Gaines, Gipson, Guin, Murphree, Parker (P), Rogers (M), Seibenhener and Thomas (D).

- 8

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 311, was adopted.

Yeas 67; Nays 11.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Collins, Curry, Drake, Ford, Fuller, Galliher, Gaston, Graham, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-67

Nay:

Representatives Dolbare, Gaines, Gipson, Guin, Hall (A), McKee, Murphree, Parker (P), Rogers (M), Seibenhener and Thomas (D).

-11

And the bill:

H. 311. (With Substitute) (With Amendment): To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 311, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$441,912 to Marion Military Institute from the Education Trust Fund for the support and maintenance of said institution. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of this report.

Section 4. This Act shall become effective October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Ford, Fuller, Gaines, Galliher, Gaston,

Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 649. Relating to Wilcox County; proposing an amendment to the Constitution of Alabama of 1901; to levy an additional 15-mill ad valorem tax.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 64. COMMEMORATING THE LIFE OF JAMES BOYD MEADOWS, JR., OF ALABASTER, ALABAMA.

Also:

S.J.R. 87. MOURNING THE DEATH OF STAFF SERGEANT ROBERT FARRINGTON, JR.

Also:

S.J.R. 90. MOURNING THE DEATH OF JACK BISHOP OF SLOUGH, BERKS, ENGLAND.

Also:

S.J.R. 108. MOURNING THE DEATH OF JUSTICE RICHARD L. JONES OF BIRMINGHAM, ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 513. To amend Sections 13 and 14 of Act No. 79-157, S. 222 of the 1979 Regular Session (Acts 1979, p. 256), establishing the police officer's and firefighter's retirement fund for the City of Anniston in Calhoun County, to redefine further the formula for the computation of plan benefits; and to provide for optional benefit plans to be offered to members of the retirement plan.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

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H. 311 RESUMED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 311, as amended, said committee amendment being as follows:

Amend H. 311 As Substituted on Page 1, lines 11 and 21 by adding after "1997," the following: "requires a report to the Legislature concerning school tuition and admitting policies".

Further amend on Page 2 after the period on line 5 by adding the following language: "The Board of Trustees of Marion Military Institute shall make a report to the Legislature by December 1, 1996 detailing the institution's proposed plans and policy changes regarding tuition charged to out-of-state students and creation of a program to encourage enrollment of in-state students."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-74

Nay:

Representative Parker (P).

- 1

SUBSTITUTE OFFERED

Representative Parker (P) offered the following substitute to the bill, H. 311, as amended:

To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of the University of Alabama in Huntsville for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

SUBSTITUTE TABLED

On motion of Representative Fuller, the substitute offered by Representative Parker (P) to the bill, H. 311, as amended, was tabled.

Yeas 67; Nays 12.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Curry, Dean, Drake, Ford, Fuller, Galliher, Gaston, Graham, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Layson, Lindsey, Maul, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-67

Nay:

Representatives Dolbare, Gipson, Guin, Hall (A), Hinshaw, Morrow, Papucci, Parker (P), Rogers (M), Sanderford, Seibenhener and Sims.

-12

AMENDMENT OFFERED

Representative Seibenhener offered the following amendment to the bill, H. 311, as amended:

On page 2, line 19, after the word "Finance" add the following additional language: , and must be subject to all regulations of and the jurisdiction of the Alabama Commission on Higher Education

AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative Seibenhener to the bill, H. 311, as amended, was tabled.

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Yeas 65; Nays 18.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Curry, Dean, Drake, Fuller, Gaston, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-65

Nay:

Representatives Clouse, Dolbare, Gaines, Galliher, Gipson, Hall (A), McKee, Moore, Morrow, Papucci, Parker (P), Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims and Thomas (D).

-18

And the bill:

H. 311. To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1997, requires a report to the Legislature concerning school tuition and admitting policies and to require an operations plan prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Curry, Dean, Drake, Ford, Fuller, Gaston, Graham, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-71

Nay:

Representatives Dolbare, Gaines, Galliher, Gipson, Guin, Parker (P), Rogers (M), Sims and Thomas (D).

- 9

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 340, was adopted.

Yeas 69; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Drake, Ford, Fuller, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-69

Nay:

Representatives Dolbare, Gaines, Galliher, Gipson, Hall (A), Morrow, Parker (P), Rogers (M) and Thomas (D).

- 9

And the bill:

H. 340. (With Substitute) (With Amendment): To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 340, said committee substitute being as follows:

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**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$206,225 to Lyman Ward Military Academy from the Education Trust Fund for the support and maintenance of said institution. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of this report.

Section 4. This Act shall become effective October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 6.

Yea:

Representatives Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Curry, Dean, Drake, Ford, Fuller, Gaston, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci,

Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-67

Nay:

Representatives Gaines, Gipson, Hall (A), Morrow, Rogers (M) and Thomas (D).

- 6

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 340, as amended, said committee amendment being as follows:

Amend H. 340 As Substituted on Page 1, lines 11 and 21 by adding after "1997," the following: "requires a report to the Legislature concerning school tuition and admitting policies".

Further amend on Page 2 after the period on line 5 by adding the following language: "The Board of Trustees of Marion Military Institute shall make a report to the Legislature by December 1, 1996 detailing the institution's proposed plans and policy changes regarding tuition charged to out-of-state students and creation of a program to encourage enrollment of in-state students."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Curry, Dean, Drake, Ford, Fuller, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-71

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Nay:

Representatives Dolbare, Gaines, Galliher, Gipson, Parker (P), Rogers (M) and Thomas (D).

- 7

SUBSTITUTE OFFERED

Representative Parker (P) offered the following substitute to the bill, H. 340, as amended:

To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Alabama A&M University for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

SUBSTITUTE TABLED

On motion of Representative Fuller, the substitute offered by Representative Parker (P) to the bill, H. 340, as amended, was tabled.

Yeas 69; Nays 13.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Curry, Dean, Drake, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-69

Nay:

Representatives Dolbare, Galliher, Gipson, Hall (A), Hinshaw, Morrison, Morrow, Papucci, Parker (P), Robinson, Rogers (M), Sanderford and Seibenhener.

-13

And the bill:

H. 340. To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1997, requires a report to the Legislature concerning school tuition and admitting policies and to require an operations plan prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Carter, Clark (W), Dean, Drake, Ford, Fuller, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-71

Nay:

Representatives Dolbare, Gaines, Galliher, Gipson, Parker (P), Rogers (M) and Thomas (D).

- 7

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 68, was adopted.

Yeas 73; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Drake, Ford, Fuller, Galliher, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C),

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Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-73

Nay:

Representatives Dolbare, Gaines, Gipson, Hall (A), Morrow, Parker (P), Rogers (M) and Thomas (D).

- 8

And the bill:

H. 68. (With Substitute): To make an appropriation of \$61,892 from the Education Trust Fund for the support and maintenance of the Southern Normal School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 68, said committee substitute being as follows:

To make an appropriation of \$76,892 from the Education Trust Fund for the support and maintenance of the Southern Normal School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 68:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$61,892 from the Education Trust Fund for the support and maintenance of the Southern Normal School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of \$61,892 out of the funds in the Education Trust Fund to be used for the support and maintenance of the Southern Normal School. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. The Board of Trustees of Marion Military Institute shall make a report to the Legislature by December 1, 1996 detailing the institution's proposed plans and policy changes regarding tuition charged to out-of-state students and creation of a program to encourage enrollment of in-state students.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 5. This act shall become effective on October 1, 1996.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

Yeas 71; Nays 4.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Drake, Ford, Fuller, Galliher, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-71

Nay:

Representatives Gaines, Gipson, Rogers (M) and Thomas (D).

**REGULAR SESSION
28th Day**

2999

And the bill:

H. 68. To make an appropriation of \$61,892 from the Education Trust Fund for the support and maintenance of the Southern Normal School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Carter, Clark (W), Curry, Dean, Drake, Ford, Fuller, Galliher, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-73

Nay:

Representatives Dolbare, Gipson, Parker (P), Rogers (M) and Seibenhener.

- 5

H. 555 TAKEN UP

And the bill:

H. 555. (With Substitute): To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

and the pending substitute reported by the Standing Committee on Ways and Means on the tenth legislative day were taken up.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 555, and the committee substitute was adopted.

Yeas 74; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Venable, Warren, White and Willis.

-74

Nay:

Representatives Gaines, Gipson, Hall (A), Rogers (M) and Thomas (D).

-5

And the bill:

H. 555. To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 8.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Curry, Drake, Flowers, Ford, Fuller, Galliher, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Venable, Warren, White, Willis and Wren.

-73

Nay:

Representatives Dolbare, Gaines, Gipson, Hall (A), Hinshaw, Parker (P), Rogers (M) and Thomas (D).

- 8

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 1040, was adopted.

Yeas 71; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Drake, Flowers, Fuller, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Perdue, Reed, Robinson, Rogers (J), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-71

Nay:

Representatives Gaines and Thomas (D).

- 2

And the bill:

H. 1040. To reappropriate, for fiscal years 1995-96 and 1996-97, all unexpended and unencumbered monies previously appropriated to the Education Technology Fund under Act 94-673 and the fiscal year 1994-95 appropriation made in Act 95-650; to reduce the fiscal year 1995-96 appropriation to the Education Technology Fund made in Act 95-650; to provide for the use of the reappropriated funds; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Collins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrow, Morton, Murphree, Newton (C), Newton (D), Page,

Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

Nay:

Representatives Gaines and Thomas (D).

- 2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 413. To exempt the Christian Children Homes, Inc., from the payment of all state, county, and municipal sales and use taxes.

McDOWELL LEE
Secretary

H. 125 TAKEN UP

And the bill:

H. 125. (With Substitute): To make a supplemental appropriation of \$200,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for character education and to make a supplemental appropriation of \$300,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for the Inspector Detector Program.

as amended, on the twenty-seventh legislative day was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute #2 to the bill, H. 125, as amended:

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28th Day

3003

A BILL
TO BE ENTITLED
AN ACT

To make a supplemental appropriation of \$200,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for character education and to make a supplemental appropriation of \$100,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for the Inspector Detector Program and amends the earmarking language found in Act 95-748 of the Regular Session of 1995, the Special Educational Trust Fund budget, relating to the Alabama Industrial Development Training Institute.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the State Department of Education, in addition to any and all other appropriations heretofore or hereafter made, for the fiscal year ending September 30, 1996, the sum of \$200,000 from the Alabama Special Educational Trust Fund for the support and maintenance of a citizenship and character education program. It is the intent of the Legislature that this appropriation be administered by the Citizenship Trust Fund pursuant to Act 95-376.

Section 2. There is hereby appropriated to the State Department of Education, in addition to any and all other appropriations heretofore or hereafter made, for the fiscal year ending September 30, 1996, the sum of \$100,000 from the Alabama Special Educational Trust Fund for the support and maintenance of the Inspector Detector Program.

Section 3. Amend 95-748 of the Regular Session of 1995, the Alabama Special Educational Trust Fund budget in Section 3(A)(23) as follows:

23. INDUSTRIAL DEVELOPMENT
TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program.....	1,839,901	156,264	1,996,165
(b) Industrial Development Program.....	6,468,552		6,468,552
(c) Employee Benefits.....	207,721		207,721

SOURCE OF FUNDS:

(1) ASETF.....	8,516,174		
(2) Federal and Other Funds.....		156,264	
Total Alabama Industrial Development Training Institute.....	8,516,174	156,264	8,672,438

Of the above appropriation to the Alabama Industrial Development Training Institute, \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program; \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and for Goodyear Tire Company to be conducted by Gadsden State Community College; \$500,000 shall be expended to fund the operations of the Michelin Training Center; \$500,000 shall be expended ~~for training for the Tire Recycling Center for Michelin training~~ at Shelton State Community College; \$300,000 shall be expended for the Job Corps Training Center at Council Trenholm State Technical College; \$300,000 for the Job Retraining/Economic Development Cooperative related to Military Base Closure in Calhoun County; and \$200,000 for the Alabama Southern Community College for Paper/Chemical Production Training.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute #2 was adopted.

Yeas 69; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Collins, Curry, Dean, Flowers, Fuller, Galliher, Gaston, Graham, Guin,

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Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Rogers (J), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-69

Nay:

Representatives Dolbare, Gaines, Gipson, Hall (A), Parker (P), Robinson, Rogers (M), Thomas (D) and Turner.

- 9

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 452. Proposing an amendment to the Constitution of Alabama of 1901, to phase-out supernumerary programs for county ad valorem tax officials and to permit their participation in a retirement system.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 452. Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford:

S. 376. To establish a pension fund for Alabama firefighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 376. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Lindsey and Windom:

S. 479. To amend Sections 34-37-1, 34-37-2, 34-37-6, 34-37-8 and 34-37-17, Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for certification of medical gas piping fitters; and to provide for penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 479. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dixon:

S. 598. To amend Section 38-2-6 of the Code of Alabama 1975, to clarify the duty and responsibility of the Department of Human Resources to establish rules and standards for the inspection and approval of adult day care centers and adult day care homes with whom the Department of Human Resources contracts or otherwise agrees to purchase adult day care services.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 598. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Davidson:

S. 1. To exempt the Community Fire Development, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 1. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Poole:

S. 222. To propose an amendment to Article XIV, Section 8, as amended by Amendment No. 37 of the Constitution of Alabama of 1901, as amended, to remove the prohibition against pleading guilty within 15 days of an information in a non-capital felony case.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 222. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Denton and Mitchell:

S. 699. Relating to the Uniform Disposition of Unclaimed Property Act, to amend Sections 35-12-21, 35-12-22, 35-12-31, 35-12-32, 35-12-33, 35-12-34, 35-12-35, 35-12-36, 35-12-37, 35-12-38, 35-12-39, 35-12-40, 35-12-41, 35-12-42, 35-12-43, 35-12-44, 35-12-45, 35-12-46, and 36-17-3 of the Code of Alabama 1975, to transfer the duties related to the administration and enforcement of the provisions of the Uniform Disposition of Unclaimed Property Act from the Commissioner of Revenue to the State Treasurer; providing for an appropriation from the State General Fund; providing for a transfer of certain funds from the Department of Revenue to the State Treasurer; providing for a transitional period of up to six months after the effective date of this act in which to accomplish the transfer; and providing for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 699. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Ghee, Bedford, Amari, Hale, Freeman, Waggoner, Bailey, Little, Windom, Dial, Langford, Steele, Denton, and Smitherman:

S. 437. Relating to municipal planning and zoning; to amend Section 11-52-3 of the Code of Alabama 1975, providing for the composition and powers of municipal planning commissions to further provide for the composition of the planning commissions in Class 8 municipalities; prohibiting a member of the planning commission from also serving as a member of the zoning board of adjustment; requiring all members of the planning commission to be residents and qualified electors of the city's planning jurisdiction rather than qualified electors of the city; providing for four-year terms, rather than the current six-year terms; providing further for the removal of members of the planning commission; to amend Section 11-52-8 of the Code of Alabama 1975, relating to the adoption of a master plan for the physical development of a municipality, to change the procedure from master plan to review and provide further for the documentation and contents of the plan; to amend Section 11-52-9 of the Code of Alabama 1975, to delete specific purposes and contents of the preparation of the master plan relating to the environment, traffic, distribution of the population and adequate public utilities, among other requirements, and providing for a comprehensive plan; to amend Sections 11-52-10 and 11-52-11 of the Code of Alabama 1975, relating to procedures for the adoption of the master plan, to require the municipal governing body to formally adopt any plan instead of the planning commission and provide for the commission to make its recommendations to the municipal governing body on the master plan; to amend Section 11-52-30 of the Code of Alabama 1975, to provide that the county engineer shall approve a map or plat of a subdivision prior to the recording or sale of property referenced to the map or plat and to provide that the county commission may under certain conditions waive the requirement; to amend Section 11-52-32 of the Code of Alabama 1975, relating to the approval or disapproval of the plat by the planning commission and the powers of the planning commission as to subdivision zoning generally, to provide further for the period in which the planning commission may approve or disapprove a plat, the minimum number of affirmative votes for approval by the planning commission, and deleting certain other procedures required of the

planning commission for recommendations to the council on amendments to zoning ordinances and maps of the territory within a subdivision; to amend Section 11-52-72 of the Code of Alabama 1975, relating to zoning, to further provide generally for the goals and purposes of zoning ordinances; to amend Section 11-52-80 of the Code of Alabama 1975, relating to the board of adjustment, to delete the power of the chair or acting chair to administer oaths and compel the attendance of witnesses, and providing further for the conditions upon which the board may grant a variance from the terms of an ordinance and providing other technical non-substantive corrections; to provide that certain local laws shall not be affected by this act; to repeal Sections 11-52-50 to 11-52-54, inclusive, Code of Alabama 1975, relating to reservation of lands in subdivisions for future acquisition for streets and the procedures therefor; and to repeal Section 11-52-79 of the Code of Alabama 1975, relating to the power of a municipality or town to appoint a zoning commission.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 437. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Lindsey:

S. 370. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 370. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Amari:

S. 419. To amend Section 41-16-3, Code of Alabama 1975, relating to public contracts, to provide for the timely payment by a contracting party to subcontractors.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 419. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Figures:

S. 537. To establish the Permanent Joint Legislative Oversight Committee of the Retirement Systems of Alabama.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 537. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hale:

S. 301. To make a supplemental appropriation from the General Fund in the State Treasury to the Office of Voter Registration, in the amount of fifty thousand dollars (\$50,000) for the fiscal year ending September 30, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 301. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Clay:

S. 191. Relating to insurance, to provide further for the regulation of insurance: By amending the standard valuation law, set forth in Section 27-36-7, Code of Alabama 1975, which sets forth the minimum requirements for the valuation of the reserves of life insurers so as to make it substantially similar to the latest version of the model standard valuation law as adopted by the National Association of Insurance Commissioners; by requiring every domestic insurer to file a report with the commissioner disclosing material acquisitions and dispositions of assets and material nonrenewals, cancellations, or revisions of ceded reinsurance agreements, not already required to be submitted to the commissioner, for review, approval, or information purposes pursuant to other insurance laws, regulations, or other requirements; and by setting forth a risk-based capital requirement based on the Risk-Based Capital for Insurers Model Act adopted by the National Association of Insurance Commissioners.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 191. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Armistead, Mitchell, Bailey, Smith, Lipscomb, Poole, McClain, Mitchem, Barron, Adams, Waggoner, Butler, Hill, Dial, Ghee, Steele, Little, Hale, Windom, Roberts, Myers, Escott-Russell, and Denton:

S. 393. Establishing the Community Notification Act; requiring the notification to law enforcement officers and certain residents of the state of the intended residence of a convicted sex offender; providing for the procedure and method of notification, and providing penalties for violations.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 393. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Butler, Bailey, Ghee, Waggoner, Freeman, Little, Hill, Smith, Lipscomb, Biddle, Windom, Denton, Smitherman, Dixon, Barron, McClain, Escott-Russell, Steele, Clay, Dial, Bedford, Mitchell, Roberts, Poole, and Myers:

S. 553. To amend Sections 36-30-1 and 36-30-2 of the Code of Alabama 1975, to provide further for compensation for death and disability of certain firefighters and to provide that if a paid or volunteer firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 553. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 531. To amend Section 36-27-70 of the Code of Alabama 1975, to provide for certain public employees of state or local political subdivisions to purchase certain prior service credit in the Employees' Retirement System under certain conditions.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 531. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Adams, Smith, and Armistead:

S. 266. To provide procedures for securing reimbursement to the Department of Corrections and counties of the expenses incurred by the state or county correctional facility for the cost of care of all persons sentenced to confinement or imprisonment in the correctional facilities; to specify the amount the state or county may seek in reimbursement and to specify certain exceptions and mitigating considerations; to specify penalties for the failure of a prisoner to cooperate; to specify the exclusive jurisdiction of the circuit court and to provide for the respective legal proceedings; to specify the powers of the Attorney General; to provide for the cost of investigation, collection, and court proceedings.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 266. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smith:

S. 24. To amend Section 12-11-30, Code of Alabama 1975, as last amended by Act No. 95-606 of the 1995 Regular Session, and Section 12-12-31, Code of Alabama 1975, to further provide for the dollar amount of the jurisdiction of the small claims docket of the district court.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 24.

Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Dial, Sanders, and Barron:

S. 680. To amend Sections 40-23-1, 40-23-2, 40-23-60 and 40-23-61, Code of Alabama 1975, to specifically include canned computer software into the definitions of "sales" and "purchase"; to define canned computer software to make it subject to sales tax and use tax; to increase the state sales and use tax general rates to four and one-quarter percent on January 1, 1997, to four and one-half percent on January 1, 1998, to four and three-quarters percent on January 1, 1999 and to five percent on January 1, 2000; to phase out the state sales and use taxes on food by reducing the rates by one percentage point per year beginning January 1, 1997; to exempt sales of food from the sales and use taxes beginning January 1, 2000.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 680.

Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

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3017

By Senators Little, Clay, Escott-Russell, Steele, Langford, and Ghee:

S. 439. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1996-97 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 439. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Bedford and Freeman:

S. 667. To provide that any probate judge retired from the Judicial Retirement Fund shall be entitled to receive all cost-of-living increases received by retired state employees after the effective date of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 667. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Smitherman:

S. 641. To create two additional circuit judgeships in the Tenth Judicial Circuit, Birmingham Division, and an additional district judgeship for Jefferson County, Birmingham Division.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 641. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders (With Notice and Proof):

S. 746. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Camden in Wilcox County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 746, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 746. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee (With Notice and Proof):

S. 745. Relating to Calhoun County; to provide for the rehabilitation of certain persons convicted of any type crime and sentenced to a term of confinement in the Calhoun County jail or state prison; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; and to repeal all laws or parts of laws which conflict with this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 745, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 745. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Steele (With Notice and Proof):

S. 743. Relating to Marengo County; to amend further Act No. 183, S. 234, 1935 Regular Session (Local Acts 1935, p. 106), to provide that the members of the Marengo County Board of Education serve terms of six years with such terms phased in and staggered; to provide for the election of a president and vice-president of the board and to prescribe the powers and duties of the president; to provide for an expense allowance for members of the board; and to repeal Act No. 80-345, H. 955, 1980 Regular Session (Acts 1980, p. 467).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 743, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 743. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Steele and Poole:

S. 744. Relating to Hale County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Hale County Commission to levy a two mill ad valorem tax for fire protection.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 744. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey (With Notice and Proof):

S. 741. To alter or rearrange the boundary lines of the Town of Taylor, Houston County, Alabama so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 741, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 741. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey (With Notice and Proof):

S. 742. To alter or rearrange the boundary lines of the Town of Taylor, Houston County, Alabama so as to include within the corporate limits of said Town certain territory being located in Geneva County, Alabama which is contiguous to the current corporate limits of the Town.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 742, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 742. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner (With Notice and Proof):

S. 448. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended; relating to a pension system for officers and employees of the County so as to provide for the termination of a factor of the benefit formula rate and to authorize the Pension Board to establish rules and regulations for such termination.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 448, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 448. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Escott-Russell (With Notice and Proof):

S. 177. Relating to Jefferson County; to amend Act No. 929, S. 676 of the 1951 Regular Session (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), relating to a pension system; to provide that employees of the Birmingham Emergency Management Communication District shall be included in the pension system.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 177, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 177. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 737. Relating to Jefferson County; to amend Act No. 661, H. 978, Regular Session 1951 (Acts 1951, p. 1125), as amended, relating to the regulation and licensing of barbers, barber shops, and barber colleges; to provide for increase in certain fees, increase in the per diem of the members of the barber commission; to provide for the issuance of permits to barber students, and imposition of a fee for the permit.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 737, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 737. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Amari (With Notice and Proof):

S. 734. Relating to the City of Birmingham in Jefferson County; to authorize the Board of Managers of the City of Birmingham Retirement and Relief System to grant Ben Byrd a pension based upon extraordinary disability; and to award the pension if, in the judgment of the Board of Managers, the pension is required.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 734, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 734. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 678. Relating to the Bessemer Division of the Tenth Judicial Circuit in Jefferson County, amending Act No. 90-202, H. 449, 1990 Regular Session so as to allow the Elected Assistant District Attorney to designate the level and step, at the time of appointment, of any appointed Deputy District Attorneys authorized by this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 678, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 678. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Amari (With Notice and Proof):

S. 577. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 577, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 577. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 561. Relating to Jefferson County; to amend Act No. 661, H. 978, Regular Session 1951 (Acts 1951, p. 1125), as amended, relating to the regulation and licensing of barbers, barber shops, and barber colleges; to provide for increase in certain fees, increase in the per diem of the members of the barber commission; to provide for the issuance of permits to barber students, and imposition of a fee for the permit.

REGULAR SESSION
28th Day

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 561, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 561. Local Legislation No. 2.

H. 125 RESUMED

And the bill:

H. 125. To make a supplemental appropriation of \$200,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for character education and to make a supplemental appropriation of \$100,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for the Inspector Detector Program and amends the earmarking language found in Act 95-748 of the Regular Session of 1995, the Special Educational Trust Fund budget, relating to the Alabama Industrial Development Training Institute.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 14.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Curry, Dean, Flowers, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Rogers (J), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

Nay:

Representatives Collins, Dolbare, Gaines, Gipson, Hall (A), McKee, Mitchell, Morrow, Parker (P), Robinson, Rogers (M), Seibenhener, Thomas (D) and Turner.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 589. To amend Sections 6-6-310, 6-6-332, 6-6-350, and 6-6-351, Code of Alabama 1975, relating to unlawful detainer actions; to remove the requirement that a landlord has to provide a 10-day notice to a tenant who breaches a lease; to allow for service of a summons and complaint by a private process server; to require the circuit court to expedite an unlawful detainer action which has been appealed from district court; to require a defendant who appeals a writ of restitution to pay all rent that becomes due and payable under a term of a lease; and to provide that where a defendant fails to pay rent that becomes due and payable into court, the court shall issue an order placing the plaintiff in possession of the premises.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turner, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 918.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Townsend, Turner, Turnham, Vance, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 918, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 918. (With Amendment): To provide for the Alabama Underwater Cultural Resources Act; to provide that certain underwater artifacts, treasure troves, or other resources designated as cultural resources shall be managed and preserved by the Alabama Historical Commission; to prohibit the taking or damaging of those resources without a contract or permit with the commission; to authorize the commission to adopt rules pursuant to a management plan for those resources and to exercise other powers to enforce this act; to prescribe criminal penalties and seizures of certain property for violation of the act; and to construe this act together with Section 41-9-249.1, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Navigation & Waterways to the bill, H. 918, said committee amendment being as follows:

Amend H. 918 on Page 3, after Line 9, by adding a new Section as follows:
Section 2: For purposes of this act, the following words shall have the following means:

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-78

And the bill:

H. 918. To provide for the Alabama Underwater Cultural Resources Act; to provide that certain underwater artifacts, treasure troves, or other resources designated as cultural resources shall be managed and preserved by the Alabama Historical Commission; to prohibit the taking or damaging of those resources without a contract or permit with the commission; to authorize the commission to adopt rules pursuant to a management plan for those resources and to exercise other powers to enforce this act; to prescribe criminal penalties and seizures of certain property for violation of the act; and to construe this act together with Section 41-9-249.1, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Boyd, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 1001.

Yeas 57; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Collins, Curry, Dean, Dukes, Gaston, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Houston, Jackson, Kennedy, Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Dolbare.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 308. To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1997, requires a report to the Legislature concerning school tuition and admitting policies, and to require an operations plan prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 308, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 299. To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, to require a report to the Legislature concerning school tuition and admitting policies, and to require an operations plan prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 299, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 68. To make an appropriation of \$61,892 from the Education Trust Fund for the support and maintenance of the Southern Normal School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 68, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 94. Relating to Mobile County; exempting certain metal structures used for hunting camps, hunting clubs, or hunting lodges in the unincorporated areas of the county from the inspection requirements of county ordinances and the county building code relating to plumbing, electricity, and other utilities.

Also:

H. 480. Relating to Henry County; providing further for the assessment and collection of ad valorem taxes on motor vehicles; transferring certain duties and responsibilities of the revenue commissioner or tax assessor and tax collector to the judge of probate; requiring an additional bond of the judge of probate; providing for the deposit of fees and commissions in the general fund of the county; and providing for a referendum.

Also:

H. 435. Relating to Russell County; to authorize the board of health to designate the environmental services for which a reasonable fee may be charged and to set the appropriate fee for each service.

Also:

H. 567. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

Also:

H. 542. Relating to public institutions of higher education and the Alabama Commission on Higher Education; to amend Section 16-5-4 of the Code of Alabama 1975; to designate the chief executive officer of the commission as the executive director and remove the requirement that the executive director be confirmed by the Senate every four years.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 286. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE EDUCATION TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1997.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 499. To propose an amendment to the Constitution of Alabama of 1901, relating to Henry County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments in the county; providing for expenditure and accounting of the funds; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Boyd, the Budget Isolation Resolution relating to the bill, H. 1001, was adopted.

Yeas 62; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Curry, Dean, Dukes, Gaston, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Drake.

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And the bill:

H. 1001. (With Amendment): Exempting certain early retirement incentive bonuses paid to persons retiring from a two-year junior, technical, or vocational college or school from an occupational license tax or fee levied by a local governmental entity retroactive to April 1, 1996.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government to the bill, H. 1001, said committee amendment being as follows:

On page 1, line 23, after the word "junior," add the following: community,

On page 2, line 4, after the word "junior," add the following: community,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 1001. Exempting certain early retirement incentive bonuses paid to persons retiring from a two-year junior, community, technical, or vocational college or school from an occupational license tax or fee levied by a local governmental entity retroactive to April 1, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Collins, Curry, Dean, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-75

Nay:

Representative Dolbare.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Johnson (R), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 653.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 653, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Clouse, Curry, Dean, Dolbare, Drake, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-78

And the bill:

H. 653. To amend Section 38-7-5 of the Code of Alabama 1975, to provide for the provisional approval of foster family homes.

was taken up.

AMENDMENT OFFERED

Representative Thomas (D) offered the following amendment to the bill, H. 653:

Amend H. 653 on page 3 after line 10 by adding the following sub-section (d):

(d) Prior to the emergency licensing of foster homes, the department shall adhere to the settlement agreement reached in the R.C.V. Nachman lawsuit relating to preferential treatment for family members concerning the placement of children.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Dolbare, Drake, Flowers, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-77

And the bill:

H. 653. To amend Section 38-7-5 of the Code of Alabama 1975, to provide for the provisional approval of foster family homes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dolbare, Drake, Flowers, Fuller, Galliher,

Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-80

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Kennedy, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 902.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Curry, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-82

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 902, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Curry, Dean, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston,

Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

And the bill:

H. 902. To amend Section 17-7-5.1, Code of Alabama 1975, relating to the times that polling places are open, to further provide further for those times.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Knight (A), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 725.

Yeas 74; Nays 2.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Buskey, Carns, Carter, Clouse, Curry, Dean, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin,

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Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representatives Drake and Payne.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 725, was adopted.

Yeas 73; Nays 2.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-73

Nay:

Representatives Minnifield and Payne.

- 2

And the bill:

H. 725. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

was taken up.

SUBSTITUTE OFFERED

Representative Johnson (R) offered the following substitute to the bill, H. 725:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, are amended to read as follows:

"§28-3-184.

"(a) Levy. -- In addition to the licenses provided for by chapter 3A, Title 28, there is hereby levied a privilege or excise tax on every person licensed under the provisions of said chapter 3A who sells, stores or receives for the purpose of distribution, to any person, firm, corporation, club or association within the state of Alabama any malt or brewed beverages. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of malt or brewed beverages, and shall be an amount equal to \$.05 for each 12 fluid ounces or fractional part thereof.

"(b) Collection. -- The tax levied by subsection (a) of this section shall be collected by the Alabama alcoholic beverage control board and said tax shall be added to the sales price of all malt or brewed beverages sold, and shall be collected from the purchasers. It shall be unlawful for any person, firm, corporation, club or association who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a tax on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent of the state for the collection and payment of the tax.

"(1) Except as hereinafter provided, the tax levied by subsection (a) of this section shall be collected by a return which shall be filed by the wholesaler or distributor with the alcoholic beverage control board postmarked not later than the last day of the month following the month of receipt of the malt or brewed beverages by the wholesaler or distributor from the manufacturer, which return shall be accompanied by the remittance of the tax due. Provided, however, for

malt or brewed beverages received during the month of October, 1979, the return and remittance of tax shall be filed with the board postmarked not later than November 10, 1979, and for malt or brewed beverages received during the month of November, 1979, the return and remittance of tax shall be filed with the board postmarked not later than December 20, 1979.

~~"All malt or brewed beverages sold, received or stored in this state shall have affixed by the manufacturer to each original container, an Alabama crown, lid or identification as designed in accordance with the rules and regulations promulgated by the board, which crown, lid or identification shall constitute prima facie proof that the appropriate tax as provided for in this article is paid at the time of the sale of the beverages.~~

"(2) Nothing contained in this section shall require that malt beverages packaged in individual containers and possessed by any person in the state for purposes of sale or resale in the state have imprinted thereon the word "Alabama" or "AL" if the manufacturer of the malt beverages can establish before the board that the manufacturer has a tracking system in place, by use of code or otherwise, which enables the manufacturer, with a least 85 percent reliability by July 1, 1996, and 90 percent reliability by January 1, 2000, to identify all of the following:

"(a) The place where individual containers of malt beverages were produced.

"(b) The state where the individual containers of malt beverages were shipped.

"(c) The individual distributors within the state that received the individual containers of malt beverages.

"(3) Prior to shipping individual containers of malt beverages into the state which do not have the word "Alabama" or "AL" imprinted thereon, the manufacturer must file an application with the board to claim the exemption contained herein and must obtain approval from the board to ship individual containers of malt beverages into the state which do not have the word "Alabama" or "AL" imprinted thereon. Information furnished by the manufacturer to establish the criteria contained within (a) may be subject to an annual audit and verification by the board. The board may revoke an approved exemption if the manufacturer refuses to furnish the information required in 2(a), (b), and (c) if requested by board, and if the manufacturer fails to permit a subsequent verification audit, or if the manufacturer fails to fully cooperate with the board during the conducting of an audit.

"(4) When a distributor has information that malt beverages may have been shipped into Alabama on which payment of Alabama excise taxes has not been made such information may be provided to the board and the Alabama shall investigate to ascertain whether any violations of Alabama law have occurred.

"(5) The board shall have the authority to examine the books and records of any person, firm, corporation, club or association who sells, stores or receives for the purpose of distribution, any malt or brewed beverages, to determine the accuracy of any return required to be filed with the board.

"(c) Disposition of proceeds. -- The proceeds of the tax levied by subsection (a) of this section shall be paid into the state treasury to be distributed as follows:

"(1) One-half cent of said proceeds shall be paid into the state treasury to the credit of the wet counties in the state and shall be divided and distributed equally on or before the fifteenth day of each month to said counties;

"(2) One cent of said proceeds shall be paid into the state treasury to the credit of the state public welfare trust fund and shall be used for general welfare purposes. As used in this section, the phrase "general welfare purposes" means:

"a. The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

"b. Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under sections 38-2-5 and 38-4-1;

"c. Services to and on behalf of dependent, neglected or delinquent children; and

"d. Investigative and referral services to and on behalf of needy persons.

"(3) Two cents of said proceeds shall be paid into the state treasury to the credit of the Alabama special educational trust fund, and so much thereof as may be necessary for the purpose if hereby appropriated to pay the principal of and interest on bonds not exceeding \$30,000,000.00 in aggregate principal amount, issued and sold by the public corporation known as the Alabama Trade School and Junior College Authority.

"(4) The residue of one and one-half cents shall be paid into the state treasury credited to the general fund of the state.

"§28-3-186.

"(a) Every wholesaler licensee collecting taxes on malt or brewed beverages levied by this article shall timely pay the same to the board as provided in this article.

"(b) (+) If any taxes levied by this article remain due and unpaid for a period of 10 days beyond the due date, the wholesaler licensee serving as collection agent for the board shall be required to pay as part of the taxes so levied a penalty of not less than \$50.00 nor more than \$500.00 to be assessed and collected by the board.

~~"(2) Any person found with possession of malt or brewed beverages without the required Alabama identification as set forth in this article shall pay to the board the tax levied on such malt or brewed beverages by this article and shall be further required to pay as a part of the taxes so levied a penalty of not less than \$50.00 nor more than \$500.00 to be assessed and collected by the board.~~

~~"(c) Any wholesaler who fails timely to pay any tax levied by this article or any wholesaler or retailer who, upon discovery of absence of required Alabama identification on malt or brewed beverages in his possession, fails immediately to notify the board shall be subject to disciplinary action by the hearing commission and, upon being adjudged guilty, shall be subject to revocation or suspension of license.~~

~~"(d) If any taxes or penalties imposed by this article remain due and unpaid for a period of 10 days, the board shall issue a warrant or execution directed to any sheriff of the state of Alabama, commanding him to levy upon and sell the real and personal property of the taxpayer found within his county for the payment of the amount thereof, with penalties, if any, and the cost of executing the warrant, and to return such warrant to the board and to pay it the money collected by virtue thereof. Upon receipt of such execution, the sheriff shall file with the clerk of the circuit court of his county a copy thereof and thereupon the clerk of the circuit court shall enter in his abstract of judgments the name of the taxpayer mentioned in the warrant and in proper columns the amount of tax, with penalties, and costs for which the warrant is issued and the date and hour when such copy is filed, and shall index the warrant upon the index of judgments. The sheriff shall thereupon proceed upon the warrant in all respects with like effect and in the same manner prescribed by law in respect to executions issued against the property upon judgments of a court of record and shall be entitled to the same fees for services in executing the warrant to be collected in the same manner. He shall make return of such execution to the board within 30 days of issuance thereof. The taxes and penalties imposed by this article shall be deemed a debt owing to the state by the party against whom the same shall be charged and shall be a preferred lien upon all property of the party against whom the same shall be charged."~~

Section 2. Section 28-3-187 of the Code of Alabama 1975, is repealed in its entirety.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 725 TEMPORARILY CARRIED OVER

On motion of Representative Johnson (R), the bill, H. 725, and the pending substitute offered by Representative Johnson (R) were temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Jackson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 216.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Buskey, Carns, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Knight (A), Layson, Lindsey, Maull, McAdory, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (D), Page, Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-59

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Jackson, the Budget Isolation Resolution relating to the bill, H. 216, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-67

And the bill:

H. 216. To exempt the Thomasville Civic Center Foundation from the payment of all state, county, and municipal sales and use taxes.

WHEREAS, the Thomasville Civic Center Foundation is a noteworthy charitable organization whose civic contributions to the state, county, and Thomasville area are too numerous to list; and

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WHEREAS, even in these times of financial hardship, the Thomasville Civic Center Foundation justly deserves to be exempt from the state, county, and municipal sales and use taxes; now therefore,

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-78

Nay:

Representative Hall (A).

- 1

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 667.

Yeas 75; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-75

Nay:

Representatives Dolbare and Laird.

- 2

BUDGET ISOLATION RESOLUTION OFFERED

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 667.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 667, and the pending Budget Isolation Resolution were temporarily carried over at the request of Representative Fuller.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Vance, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 895.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Vance, the Budget Isolation Resolution relating to the bill, H. 895, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Carns, Carter, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 895. (With Substitute): To make an appropriation from the State General Fund in the State Treasury to the municipal governing body of the City of Phenix City, in the amount of \$100,000 for the fiscal year ending September 31, 1996.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 895, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make a conditional appropriation from the State General Fund in the State Treasury to the municipal governing body of the City of Phenix City, in the amount of \$100,000 for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The sum of \$100,000 is conditionally appropriated from the State General Fund in the State Treasury to the municipal governing body of the City of Phenix City for preparation for the ceremonial and awards services of the 1996 United States Olympics for the fiscal year ending September 30, 1996. In addition, the conditional appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96. The appropriation is conditional in the availability of funds in the State General Fund, the recommendation of the Finance Director, and the approval of The Governor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Carns, Carter, Clouse, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (L),

Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (J), Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Wren.

-69

And the bill:

H. 895. To make a conditional appropriation from the State General Fund in the State Treasury to the municipal governing body of the City of Phenix City, in the amount of \$100,000 for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Carns, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

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Nay:

Representative Vance.

- 1

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Venable offered the motion to reconsider the vote by which the bill, H. 895, as amended, was passed and the motion to reconsider was adopted.

And the bill:

H. 895. To make a conditional appropriation from the State General Fund in the State Treasury to the municipal governing body of the City of Phenix City, in the amount of \$100,000 for the fiscal year ending September 30, 1996.

as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Burke, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 900.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 900, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Perdue, Reed,

Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-67

And the bill:

H. 900. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

was taken up.

AMENDMENT OFFERED

Representative Burke offered the following amendment to the bill, H. 900:

on page 13, line 8, amend H. 900 by deleting the word "immediately" and insert "on the first day of the second month"

on page 13, line 9, after the word "law." insert "For the period prior to the effective date of this law, no optometrist, regardless of their business structure, shall be liable for retail sales tax on the dispensing/transferring of ophthalmic materials to patients."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-74

And the bill:

H. 900. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Knight (J), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 695.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 695, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Petelos, Reed, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-70

And the bill:

H. 695. (With Amendment): To amend Section 36-7-21, Code of Alabama 1975; to provide that institutions of higher learning may prepay travel expenses.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 695, said committee amendment being as follows:

Amend H. 695 on Page 3 by deleting lines six through eight in their entirety and inserting in lieu thereof the following: "industries. Institutions of higher learning may elect to prepay travel expenses for persons traveling in the service of the state. Travel expenses shall include only transportation expenses and registration costs. This section shall not".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

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H. 695 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 695, as amended, was temporarily carried over at the request of Representative Knight (J).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 151. To amend Section 40-17-174, Code of Alabama 1975, relating to oil license fees, to provide for a one-time collection of the wholesale oil license fee.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Sanderson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 747.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Sanderson offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 747.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 747, and the pending Budget Isolation Resolution were temporarily carried over at the request of Representative Sanderson.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (D), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 110.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 110, was adopted.

Yeas 67; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Carns, Carothers, Carter, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Graham, Guin, Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-67

Nay:

Representative Jorgensen.

- 1

And the bill:

H. 110. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Carns, Carothers, Carter, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

-69

Nay:

Representative Hall (A).

- 1

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Rogers (J), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 791.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 791, were temporarily carried over at the request of Representative Rogers (J).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 490. To prohibit the possession, distribution, or use of certain telecommunication devices, plans, or equipment; and to provide criminal penalties and certain civil remedies.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McDaniel, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 751.

Yeas 40; Nays 5.

Yea:

Representatives Bandy, Black (M), Box, Boyd, Carter, Clouse, Collins, Drake, Dukes, Gipson, Guin, Hammett, Haney, Hawk, Hayden, Hilliard, Hogan, Hooper, Jorgensen, Layson, Lindsey, Maull, McDaniel, Melton, Moore, Morrison, Morton, Murphree, Parker (T), Reed, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Turner, Turnham, Vance and Venable.

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Nay:

Representatives Crigler, Payne, Penry, Seibenhener and White.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION OFFERED

Representative McDaniel offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 751.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 751, and the pending Budget Isolation Resolution were temporarily carried over at the request of Representative McDaniel.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hill, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 787.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 787, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Papucci, Parker (P), Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

And the bill:

H. 787. To amend Section 7-4-406 of the Code of Alabama 1975; to remove the requirement of financial institutions providing the name of the payee on the statement of account in which items are not returned within the statement of account.

was taken up.

AMENDMENT OFFERED

Representative Hill offered the following amendment to the bill, H. 787:

Amend H. 787 on Page 4, Line 16, by striking ~~indorsement~~ and inserting in lieu thereof endorsement

Further amend H. 787 on Page 4, Line 17, by striking ~~indorsement~~ and inserting in lieu thereof endorsement

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 653. To amend Section 38-7-5 of the Code of Alabama 1975, to provide for the provisional approval of foster family homes.

TOMMY CARTER
Chairman

And the bill, H. 653, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 1001. Exempting certain early retirement incentive bonuses paid to persons retiring from a two-year junior, community, technical, or vocational college or school from an occupational license tax or fee levied by a local governmental entity retroactive to April 1, 1996.

TOMMY CARTER
Chairman

And the bill, H. 1001, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 918. To provide for the Alabama Underwater Cultural Resources Act; to provide that certain underwater artifacts, treasure troves, or other resources designated as cultural resources shall be managed and preserved by the Alabama Historical Commission; to prohibit the taking or damaging of those resources without a contract or permit with the commission; to authorize the commission to adopt rules pursuant to a management plan for those resources and to exercise other powers to enforce this act; to prescribe criminal penalties and seizures of certain property for violation of the act; and to construe this act together with Section 41-9-249.1, Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 918, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 125. To make a supplemental appropriation of \$200,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for character education and to make a supplemental appropriation of \$100,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for the Inspector Detector Program and amends the earmarking language found in Act 95-748 of the Regular Session of 1995, the Special Educational Trust Fund budget, relating to the Alabama Industrial Development Training Institute.

TOMMY CARTER
Chairman

And the bill, H. 125, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 555. To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 555, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 311. To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1997, requires a report to the Legislature concerning school tuition and admitting policies and to require an operations plan prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 311, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 340. To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1997, requires a report to the Legislature concerning school tuition and admitting policies and to require an operations plan prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 340, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

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H. 413. To exempt the Christian Children Homes, Inc., from the payment of all state, county, and municipal sales and use taxes.

Also:

H. 589. To amend Sections 6-6-310, 6-6-332, 6-6-350, and 6-6-351, Code of Alabama 1975, relating to unlawful detainer actions; to remove the requirement that a landlord has to provide a 10-day notice to a tenant who breaches a lease; to allow for service of a summons and complaint by a private process server; to require the circuit court to expedite an unlawful detainer action which has been appealed from district court; to require a defendant who appeals a writ of restitution to pay all rent that becomes due and payable under a term of a lease; and to provide that where a defendant fails to pay rent that becomes due and payable into court, the court shall issue an order placing the plaintiff in possession of the premises.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 151. To amend Section 40-17-174, Code of Alabama 1975, relating to oil license fees, to provide for a one-time collection of the wholesale oil license fee.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 787 RESUMED

And the bill:

H. 787. To amend Section 7-4-406 of the Code of Alabama 1975; to remove the requirement of financial institutions providing the name of the payee on the statement of account in which items are not returned within the statement of account.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carothers, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 674.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 674, was adopted.

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Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L.), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 674. To amend Section 36-27-52, Code of Alabama 1975, to provide an exception to mandatory participation in the Employees' Retirement System for a court reporter previously employed on a certain date, who did not elect to be covered by the Employees' Retirement System and who, after a lapse in service, was reemployed as an official court reporter.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Petelos, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 227.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 227, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Carns, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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And the bill:

H. 227. To propose an amendment to Article XIV, Section 8, as amended by Amendment No. 37 of the Constitution of Alabama of 1901, as amended, to remove the prohibition against pleading guilty within 15 days of an information in a non-capital felony case.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McMillan, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 358.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 358, was adopted.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

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Nay:

Representative Payne.

- 1

And the bill:

H. 358. To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract,

the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

was taken up.

SUBSTITUTE OFFERED

Representative McMillan offered the following substitute to the bill, H. 358:

A BILL TO BE ENTITLED AN ACT

To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, are amended to read as follows:

"§39-1-1.

"(a) Any person, firm, or corporation entering into a contract with the state or any county or municipal corporation or subdivision thereof an awarding authority in this state for the repair, construction, or prosecution of any public buildings or public work, highways, or bridges works shall, before commencing the work, execute a performance bond, with penalty equal to 100 percent of the amount of the contract price. In addition, another bond, payable to the state, county, or

~~municipal corporation or subdivision~~ awarding authority letting the contract, shall be executed in an amount not less than 50 percent of the contract price, with the obligation that the contractor or contractors shall promptly make payments to all persons supplying labor, materials, or supplies for or in the prosecution of the work provided in the contract and for the payment of reasonable attorneys' fees incurred by successful claimants or plaintiffs in civil actions on the bond.

"(b) Any person, ~~firm, or corporation~~ that has furnished labor, materials, or supplies for or in the prosecution ~~or repair of any public building or of a public work, highways, or bridges~~ and payment has not been made may institute a civil action upon the payment bond and have their rights and claims adjudicated in a civil action and judgment entered thereon. Notwithstanding the foregoing, a civil action shall not be instituted on the bond until 45 days after written notice to the surety of the amount claimed to be due and the nature of the claim. The civil action shall be commenced not later than one year from the date of final settlement of the contract. The giving of notice by registered or certified mail, postage prepaid, addressed to the surety at any of its places of business or offices shall be deemed sufficient under this section. In the event the surety or contractor fails to pay the claim in full within 45 days from the mailing of the notice, and there is a recovery in the subsequent civil action of at least the amount of the noticed claim, then the person or persons may recover from the contractor and surety, in addition to the amount of the claim, a reasonable attorney's fee, together with interest on the claim from the date of the notice.

"(c) Every person ~~or persons~~ having a right of action on the last described bond as provided in this section shall, upon written application to the authority under the direction of whom the work has been prosecuted, indicating what that labor, material, foodstuffs, or supplies for the work that have been supplied and that payment has not been made, will be promptly furnished a certified copy of the additional bond and contract. The claimant may bring a civil action in the claimant's name on the bond against the contractor and the surety, or either of them, in the county in which the work is to be or has been performed or in any other county where the contractor or surety does business, for the use and benefit against the contractor and the surety, or either of them venue is otherwise allowed by law.

~~"In addition to any other legal mode of service, service of summons, and other process in civil actions brought in the county where the work is let or done may be had on the contractor or the surety on the last described bond by leaving a copy of the summons and complaint or other pleading or process with the Director of the Highway Department, if the contract is a state highway contract, or with the executive officer of the city, town, board, commission, or authority letting the contract or charged with the payment of the contract price, if the contract is not a state highway contract. The bond last described shall have a provision binding the principal contractor and surety to the mode of service above described and consenting that the service shall be the same as personal service on the contractor or surety.~~

~~"Immediately on service being made on the Director of the Highway Department or executive officer of a city, town, board, commission, or authority, the director or executive officer shall immediately mail a copy of the process to the contractor and surety at the address given in the bond.~~

"(d) In the event a civil action is instituted on the payment bond, at any time more than 15 days before the trial begins, any party may serve upon the adverse party an offer to accept judgment in favor of the offeror or to allow judgment to be entered in favor of the offeree for the money or as otherwise specified in the offer. If within 10 days after the service of the offer, the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service and the clerk of the court shall enter judgment. An offer not accepted shall be deemed withdrawn and evidence of the offer shall not be admissible. If the judgment finally obtained by the offeree is less favorable than the offer, the offeree shall pay the reasonable attorney's fees and costs incurred by the offeror after the making of the offer. An offer that is made but not accepted does not preclude a subsequent offer. When the liability of one party to another party has been determined by verdict, order, or judgment, but the amount or extent of the liability remains to be determined by further proceedings, any party may make an offer of judgment, which shall have the same effect as an offer made before trial if the offer is made no less than 10 days prior to the commencement of hearings to determine the amount or extent of liability.

"(e)(e) This section shall not require the taking of a bond to secure contracts in an amount less than twenty thousand dollars (\$20,000).

"(f)(d) The contractor shall, immediately after the completion of the contract, give notice of the completion by an advertisement in a newspaper of general circulation published within the city or county in which the work has been done, for a period of four successive weeks. A final settlement shall not be made upon the contract until the expiration of 30 20 days after the completion of the notice. Proof of publication of the notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county in which the work is done, the notice may be given by posting at the courthouse for 30 days, and proof of same shall be made by the judge of probate, sheriff, and the contractor.

"(g) This subsection Subsection (f) shall not apply to contractors performing contracts of less than twenty thousand dollars (\$20,000) in amount. The In such cases, the governing body of the contracting agency, to expedite final payment, shall cause notice of final completion of the contract to be published one time in a newspaper of general circulation, published in the county of the contracting agency and shall post notice of final completion on the agency's bulletin board for one week, and shall require the contractor to certify under oath that all bills have been paid in full. Final settlement with the contractor may be made at any time after the notice has been posted for one entire week."

"All persons ~~or companies~~, to be eligible to bid on asphalt plant mix to be sold to the State of Alabama, shall have the asphalt plants inspected and certified by the ~~highway department~~ Department of Transportation. ~~Such~~ The certification shall be made by the Bureau of Materials and Tests and shall include a statement that the plant meets the requirements set forth in the current edition of the State of Alabama ~~highway department~~ Department of Transportation Standard Specifications for Highways and Bridges."

"§39-1-3.

"Any contractor performing a public works contract in which any state, county, or municipal funds are utilized shall be allowed reimbursement for any additional severance, ~~and sales and, or~~ use taxes incurred by the contractor as a result of an increase in the rate of severance, ~~and sales and, or~~ use taxes imposed during the time of performance of the contract. Time of performance shall be the time the contractor submits the bid until completion of the contract."

"§39-2-1.

"As used in this ~~chapter~~ title, the following words shall have the meanings ~~respectively~~ ascribed to them as follows: ~~in this section, unless the context clearly indicates a different meaning:-~~

"~~(2)~~ (1) AWARDING AUTHORITY. Any governmental board, commission, agency, body, authority, instrumentality, department, or subdivision of the state, its counties and municipalities. Such This term shall include includes, but shall not be limited to, the ~~State Highway Department~~ Department of Transportation, the State Building Commission, the ~~State Docks Department~~, the State Board of Education and all the state agencies of the State of Alabama, but shall not include ~~any county board of education or other county or municipal officers or board, and any other entity contracting for public works. This term shall exclude the State Docks Department and any entity exempted from the competitive bid laws of the state by statute.~~

"(2) FORCE ACCOUNT WORK. Work paid for by reimbursing for the actual costs for labor, materials, and equipment usage incurred in the performance of the work, as directed, including a percentage for overhead and profit, where appropriate.

"~~(1)~~ (3) PERSON. Natural persons, partnerships, limited liability companies, and corporations, and other legal entities.

"(4) PUBLIC PROPERTY. Real property which the state, county, municipality, or awarding authority thereof owns or has a contractual right to own or purchase, including easements, rights-of-way, or otherwise.

"~~(3)~~ (5) PUBLIC IMPROVEMENT WORKS. ~~Such term shall include, but shall not be limited to, the~~ The construction, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, bridges, docks,

underpasses, and viaducts as well as any other improvement to be constructed, repaired, renovated, or maintained by the awarding authority on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise."

"§39-2-2.

"(a) Before entering into any contract for a public improvement works involving an amount in excess of twenty thousand dollars (\$20,000), the awarding authority, if a state, county, or instrumentality thereof, shall advertise for sealed bids once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the improvement or undertaking, or some part thereof, is to be made. If the awarding authority is a municipality or an instrumentality thereof, the awarding authority shall advertise for sealed bids at least once in a newspaper of general circulation published in the municipality where the awarding authority is located. If no newspaper is published in the municipality, the awarding authority shall advertise by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for the length of time as may be determined. Sealed bids shall also be solicited by sending notice by mail to all persons who have filed a request in writing with the official designated by the awarding authority that they be listed for solicitation on bids for the public works contracts indicated in the request. If any person whose name is listed fails to respond to any solicitation for bids after the receipt of three such solicitations, the listing may be canceled. With the exception of the Department of Transportation, for all public works contracts involving an estimated amount in excess of one hundred thousand dollars (\$100,000), awarding authorities shall also advertise for sealed bids at least once in three newspapers of general circulation throughout the state. The awarding authority may also advertise in other publications as it may deem advisable. The advertisements shall briefly describe the improvement, state that plans and specifications for the improvement are on file for examination in the a designated office of the awarding authority, state the procedure for obtaining plans and specifications, and shall state the time and place in which bids will be received and opened, and identify whether prequalification is required and where all written prequalification information is available for review. All bids shall be opened publicly at the advertised time and place. No public improvement works as defined in this chapter involving a sum in excess of twenty thousand dollars (\$20,000) shall be split into parts involving sums of twenty thousand dollars (\$20,000) or less for the purpose of evading the requirements of this section.

"(b) An awarding authority may let contracts for public improvements works involving twenty thousand dollars (\$20,000) or less with or without advertising or sealed bids.

"(c) All contracts for the construction, repair, renovation, or maintenance of public improvements works entered into in violation of this section title shall be null, void, and violative of public policy; provided, however, that all contracts for

~~the construction, repair, renovation, or maintenance of public buildings entered into in violation of this section shall also be null, void, and violative of public policy. Anyone who willfully violates this article concerning public buildings works shall be guilty of a Class C felony.~~

"(d) Excluded from the operation of this title shall be contracts with persons who shall perform only architectural, engineering, construction management, program management, or project management services in support of the public works and who shall not engage in actual construction, repair, renovation, or maintenance of the public works with their own forces, by contract, subcontract, purchase order, lease, or otherwise.

"(e) In case of an emergency affecting public health, safety, or convenience, as declared in writing by the awarding authority, setting forth the nature of the danger to the public health, safety, or convenience involved in delay, contracts may be let to the extent necessary to meet the emergency without public advertisement. The action and the reasons for the action taken shall immediately be made public by the awarding authority, upon request.

"(f) No awarding authority may specify in the plans and specifications for the improvement the use of materials, products, systems, or services by a sole source unless all of the following requirements are met:

"(1) Excepting road construction contracts let by the Department of Transportation, the awarding authority can document to the satisfaction of the State Building Commission that the sole source product, material, system, or service is of an indispensable nature for the improvement, that there are no other viable alternatives, and that only this particular product, material, system, or service fulfills the function for which it is needed.

"(2) The sole source specification has been recommended by the architect or engineer of record as an indispensable item for which there is no other viable alternative.

"(3) All information substantiating the use of a sole source specification, including the recommendation of the architect or engineer of record, shall be documented and made available for examination in the office of the awarding authority at the time of advertisement for sealed bids."

"§39-2-3.

"(a) ~~Proposals~~ For contracts let by the Department of Transportation, ~~proposals~~ may be obtained only upon payment of a fee, to be determined by the ~~awarding authority~~ Department of Transportation, not in excess of ~~\$5.00~~ five dollars (\$5). Plans and specifications may be obtained only upon payment of a fee, to be determined by the ~~awarding authority~~ Department of Transportation, not to exceed the actual cost of printing such plans and specifications.

"(b) For all other awarding authorities, an adequate number of sets of bid documents, as determined by the awarding authority, may be obtained by prime contractor bidders upon payment of a deposit for each set, which deposit shall not exceed twice the cost of printing, reproduction, handling, and distribution of each set. The deposit shall be refunded in full to each prime contractor bidder upon return of the documents in reusable condition within 10 days of bid opening. Additional sets for prime contractor bidders, subcontractors, vendors, or dealers may be obtained upon payment of the same deposit. The deposit shall be refunded less the cost of printing, reproduction, handling, and distribution, upon return of the documents in reusable condition within 10 days of bid opening. All refunds are due from the awarding authority within 20 days of bid opening.

"(c) Building exchanges and similar agencies may be furnished plans and specifications without charge."

"§39-2-4.

"(a) The bidder shall be required to file with his or her bid either a certified cashier's check drawn on an Alabama bank or a bid bond executed by a surety company duly authorized and qualified to make such bonds in the State of Alabama, payable to the awarding authority for an amount not less than five percent of the awarding authority's estimated cost or of the contractor's bid, but in no event more than ten thousand dollars (\$10,000.00); or a bid bond payable to the awarding authority in an amount not less than five percent of the bid or the awarding authority's estimated cost, but in no event more than \$10,000.00. Such The bid guaranties as provided in this section shall constitute all of the qualifications or guaranty to be required of contractors as prerequisites to bidding for public works, except as required by the state licensing board for general contractors and the prequalification as required by the highway department Department of Transportation, or the building commission, or any other awarding authority.

"(b) With the exception of the Department of Transportation which has prequalification procedures and criteria set forth by statute, any awarding authority that proposes to prequalify bidders shall establish written prequalification procedures and criteria that (1) are published sufficiently in advance of any affected contract so that a bona fide bidder may seek and obtain prequalification prior to preparing a bid for that contract, such publication to be accomplished by the methods specified in subsection (a) of Section 39-2-2; (2) are related to the purpose of the contract or contracts affected; (3) are related to contract requirements or the quality of the product or service in question; (4) are related to the responsibility, including the competency, experience, and financial ability, of a bidder; and (5) will permit reasonable competition at a level that serves the public interest. The prequalification publication may run concurrently with the publication required under subsection (a) of Section 39-2-2, provided it produces the above required advance notice.

"(c) Within the bounds of good faith, the awarding authority retains the right to determine whether a contractor has met prequalification procedures and criteria.

"(d) Any bidder who has prequalified pursuant to the requirements in subsection (b) shall be deemed "responsible" for purposes of award unless the prequalification is revoked by the awarding authority under the following procedures: (1) No later than five working days or the next regular meeting after the opening of bids, whichever is later, the awarding authority issues written notice to the bidder of its intent to revoke prequalification and the grounds therefor; (2) the bidder is then provided an opportunity to be heard before the awarding authority on the intended revocation; (3) the awarding authority makes a good faith showing of a material inaccuracy in the prequalification application of a bidder or of a material change in the responsibility of the bidder since submitting its prequalification application; and (4) the revocation of prequalification is determined no later than 10 days after written notice of intent to revoke, unless the bidder whose qualification is in question agrees in writing to an extension in time.

"(e) Nothing in this section shall preclude the rejection of a bidder determined not responsible nor the inclusion of criteria in the bid documents which would limit contract awards to responsible bidders where no prequalification procedure is employed by the awarding authority."

"§39-2-5.

"All bid guaranties, except those of the three lowest bona fide bidders, shall be returned immediately after bids have been checked, tabulated, and the relation of the bids established. The bid guaranty guaranties of the three lowest bidders shall be returned as soon as the contract bonds and the contract of the successful bidder have been properly executed and approved. When the award is deferred for a period of time longer than 15 days after the opening of the bids, all bid guaranties, except that those of the potentially successful bidder bidders, shall be returned. Should If no award be is made within 30 days after the opening of the bids, or such other time as specified in the bid documents, all bids shall be rejected and all guaranties returned, unless the except for any potentially successful bidder that agrees in writing to a stipulated extension in time for consideration of his bid, its bid in which case the awarding authority may, at its discretion, permit the potentially successful bidder to substitute a satisfactory bidder's bond for the certified cashier's check submitted with his its bid as a bid guaranty."

"§39-2-6.

"(a) The contract shall be awarded to the lowest responsible and responsive bidder ~~complying with conditions of the invitation for bids~~, unless the awarding authority finds that his bid is all the bids are unreasonable or that it is not to the interest of the awarding authority to accept # any of the bids. A responsible bidder is one who, among other qualities determined necessary for performance, is competent, experienced, and financially able to perform the contract. A respon-

sive bidder is one who submits a bid that complies with the terms and conditions of the invitation for bids. Minor irregularities in the bid shall not defeat responsiveness. The bidder to whom the award is made ~~will~~ shall be notified by telegram, confirmed facsimile, or letter at the earliest possible date. ~~Should~~ If the successful bidder ~~fail~~ fails or ~~refuse~~ refuses to sign the contract, ~~or to make bond as provided in this chapter or to provide evidence of insurance as required by the bid documents,~~ the awarding authority may award the contract to the second lowest responsible and responsive bidder. ~~Should~~ If the second lowest bidder ~~fail~~ fails or ~~refuse~~ refuses to sign the contract, ~~or make bond as provided in this chapter or to provide evidence of insurance as required by the bid documents,~~ the awarding authority may award the contract to the third lowest responsible and responsive bidder.

"(b) ~~Should~~ If no bids be or only one bid is received at the time stated in the advertisement for bids, the awarding authority may advertise for and seek other competitive bids, or the awarding authority may direct that the work shall be done by force account under its direction and control or, with the exception of the Department of Transportation, the awarding authority may negotiate for the work through the receipt of informal bids not subject to the requirements of this section. Where only one bid has been received, any negotiation for the work shall be for a price lower than that bid.

"(c) If the awarding authority finds that all bids received are unreasonable ~~and or~~ that it is not to the interest of the awarding authority to accept any of the bids, the awarding authority may direct that the work shall be done by force account under its direction and control.

"(d) On any construction project on which the awarding authority has prepared plans and specifications, ~~and received bids, and which it has determined to do by force account or by negotiation,~~ the awarding authority shall submit the plans and specifications, ~~and an itemized estimate of cost and any informal bids to the Department of Examiners of Public Accounts and, upon completion of the project by an awarding authority, the final total costs together with an itemized list of cost of any and all changes made in the original plans and specifications shall also be submitted to the Department of Examiners of Public Accounts for its permanent public record.~~ Upon the approval of the awarding authority, its duly authorized officer or officers may, when proceeding upon the basis of force account, let any subdivision or unit of work by contract on informal bids.

"~~(d)~~(e) No provision of this section shall be interpreted as precluding the use of convict labor by the ~~State Highway Department~~ awarding authority. This section shall not apply to routine maintenance and repair jobs done by maintenance ~~men~~ personnel who are regular employees of the awarding authority.

"(f) No contract awarded to the lowest responsible and responsive bidder shall be assignable by the successful bidder without written consent of the awarding authority, and in no event shall a contract be assigned to an unsuccessful bidder whose bid was rejected because he or she was not a responsible or responsive bidder.

"(g) Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition to bid at a fixed price or to refrain from bidding or otherwise shall render the bids void and shall cause the bidders or prospective bidders to be disqualified from submitting further bids to the awarding authority on future lettings. Any bidder or prospective bidder who willfully participates in any agreement or collusion in restraint of freedom of competition shall be guilty of a felony and, on conviction thereof, shall be fined not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000) or, at the discretion of the jury, shall be imprisoned in the penitentiary for not less than one nor more than three years.

"(h) Any disclosure in advance of the terms of a bid submitted in response to an advertisement for bids shall render the proceedings void and require advertisement and award anew."

"§39-2-8.

"The bidder to whom the award is made must, shall when required, enter into a written contract on the form included in the proposal, plans, and specifications, and furnish a performance bond and payment bond executed by a surety company duly authorized and qualified to make such bonds in the State of Alabama in the amount required by of the contract price subsection (a) of Section 39-1-1 and provide evidence of insurance as required by the bid documents within the period specified or, if no period is specified, within 15 days after the prescribed forms have been presented to him or her for signature. Should If extenuating circumstances prevail, the awarding authority may grant an extension in time not exceeding five days for the return of the contract, and contract bond required bonds and required evidence of insurance."

"§39-2-9.

"The awarding authority shall approve the contractor's bond bonds meeting the requirements of Section 39-2-8 and the contractor's evidence of insurance meeting the requirements of the bid documents, as well as complete the execution of the contract, within 20 days after its their presentation by the contractor unless the successful contractor agrees in writing to a longer period."

"§39-2-10.

"A proceed order shall be issued by the awarding authority within 15 days after final execution of the contract by the awarding authority, and execution by the Governor if his or her signature on the contract is required by law, unless both parties agree in writing to a stipulated extension in time for the issuance of a proceed order."

"§39-2-11.

"(a) Should the successful bidder or bidders to whom a contract is awarded fail to execute a contract and furnish acceptable contract ~~security~~ securities and evidence of insurance as required by law within the period as set forth in Section 39-2-8, the awarding authority shall retain from the proposal guaranty, if it is a ~~certified~~ cashier's check, or recover from the principal or the sureties, if the guaranty is a bid bond, the difference between the amount of the contract as awarded and the amount of the proposal of the next lowest bidder. If no other bids are received, the full amount of the proposal guaranty shall be ~~se~~ retained or recovered as liquidated damages for such default. Any sums ~~se~~ retained or recovered shall be the property of the awarding authority.

"(b) In the event of the death of ~~the a~~ low bidder, ~~(if an individual and not a partnership or corporation)~~ between the date of the opening of bids and the ~~40~~ 15 days following the date of award of contract as allowed in Section 39-2-8 for furnishing of contract ~~security~~ securities and evidence of insurance, the awarding authority shall return the proposal guaranty intact to the estate of the deceased low bidder.

"(c)~~(b)~~ Failure by the awarding authority to complete the execution of a contract and to issue a proceed order as required in Sections 39-2-9 and 39-2-10 shall be just cause, unless both parties agree in writing to a stipulated extension in time for issuance of a proceed order, for the withdrawal of the contractor's bid and contract without forfeiture of the certified check or bond.

"(d) Except for contracts let by the Department of Transportation, if the low bidder discovers a mistake in its bid rendering a price substantially out of proportion to that of other bidders, the low bidder may seek withdrawal of its bid without forfeiture upon written notice to the awarding authority within three working days after the opening of bids whether or not award has been made. If the low bidder offers clear and convincing documentary evidence as soon as possible, but no later than three working days after the opening of bids, that it made such a mistake due to calculation or clerical error, an inadvertent omission, or a typographical error, the awarding authority shall permit withdrawal without forfeiture. The decision of the awarding authority shall be made within 10 days after receipt of the low bidder's evidence or by the next regular meeting of the awarding authority. In no event shall a mistake of law, judgment, or opinion constitute a valid ground for the withdrawal of a bid without forfeiture. Upon withdrawal of bid without forfeiture, the low bidder shall be prohibited from (1) doing any work on the contract, either as a subcontractor or in any other capacity, and (2) bidding on the same project if it is readvertised for letting."

"§39-2-12.

"(a) As used in this section the following words shall have the meanings ascribed to them as follows:

"(1) CONTRACTOR. Any natural person, partnership, company, firm, corporation, association, limited liability company, cooperative, or other legal entity licensed by the Alabama state licensing board for general contractors.

"(2) NONRESIDENT CONTRACTOR. A contractor ~~who~~ which is neither (i) a. organized and existing under the laws of the State of Alabama, nor (ii) b. maintains its principal place of business in the State of Alabama. A nonresident contractor ~~who~~ which has maintained a permanent branch office within the State of Alabama for at least five continuous years shall not thereafter be deemed to be a nonresident contractor so long as ~~such~~ the contractor continues to maintain a branch office within Alabama.

"(3) RETAINAGE. That money belonging to the contractor which has been retained by the awarding authority conditioned on final completion and acceptance of all work in connection with a project or projects by the contractor.

"(b) Unless otherwise provided in the specifications, partial payments ~~will~~ shall be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on the estimates made and approved by the awarding authority. In preparing estimates, the material delivered on the site, materials suitably stored off site, and insured and preparatory work done may be taken into consideration.

"(c) In making ~~such~~ the partial payments, there shall be retained not more than five percent of the estimated amount of work done and the value of materials stored on the site or suitably stored off site, and after 50 percent completion has been accomplished, no further retainage ~~will~~ shall be withheld. The retainage ~~above as set out above~~ shall be held until final completion and acceptance of all work covered by the contract unless the escrow or deposit arrangement described in ~~subsection~~ subsections (d) (e) and (f) of this section is utilized. In addition to other requirements, a nonresident contractor shall satisfy the awarding authority that he or she has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work. When maintenance periods are included in the contract covering highways and bridges or similar structures, such periods shall be considered a component part of the contract. On completion and acceptance of each separate building, public work, or other divisions of the contract, on which a price is stated separately in the contract or can be separately ascertained, payment may be made in full, including the retained percentage thereof, less authorized deductions. Nothing in this section shall, ~~however,~~ be interpreted to require the awarding authority to make full payment on an item of work when such item of work is an integral part of a complete improvement.

"(d) In lieu of the retained amounts provided for in subsection (c) of this section, the awarding authority may provide in the specifications or contracts an alternate procedure ~~providing~~ for the maintenance of an escrow account, as provided in subsection (e) or the depositing of security as provided in subsection (f). ~~pursuant to an escrow agreement, in an amount at least equal to the amount of the retainage authorized by the specifications or contracts.~~

"(e) ~~The~~ An escrow account, ~~or established pursuant to an~~ escrow agreement, shall be entered into only on the following conditions:

"(1) If the contractor shall have entered into more than one construction contract allowing for the maintenance of escrow accounts, the contractor may elect to combine the amounts held in lieu of retainage under each contract into one or more escrow accounts or may elect to establish a separate escrow account for each contract.

"(2) Only state or national banks chartered within the State of Alabama or savings and loan associations domiciled in the State of Alabama may serve as an escrow agent.

"(3) The escrow agent must limit the investment of funds held in escrow in lieu of retained amounts provided for in subsection (c) of this section to savings accounts, certificates of deposit or similar time deposit investments (which may, at the election of the contractor, be in an amount in excess of the maximum dollar amount of coverage by the Federal Deposit Insurance Corporation, the Federal Savings & Loan Insurance Corporation, or other similar agency), U. S. treasury bonds, U. S. treasurer notes, U. S. treasurer certificates of indebtedness, U. S. treasury bills, bonds or notes of the State of Alabama or bonds of any political subdivision of the state of Alabama.

"(4) As interest on all investments held in escrow becomes due, it shall be collected by the escrow agent and paid to the contractor.

"(5) The escrow agent shall periodically acknowledge to the awarding authority and contractor the amount and value of the escrow account held by the escrow agent, and any additions to the escrow account by the awarding authority shall be reported immediately to the contractor. Withdrawals from the escrow account shall only be made subject to the written approval of the awarding authority.

"(6) Upon default or overpayment, as determined by the awarding authority, of any contract or contracts subject to this procedure, and upon the written demand of the awarding authority, the escrow agent shall within 10 days deliver a certified cashier's check to the awarding authority in the amount of the escrow account balance (subject to the redemption value of such investments at the time of disbursement) relating to the contract or contracts in default.

"(7) The escrow account may be terminated upon completion and acceptance of the contract or contracts as provided in subsections (c) and ~~(f)~~ (h) of this section.

"(8) All fees and expenses of the escrow agent shall be paid by the contractor to the escrow agent and if not paid shall constitute a lien on the interest accruing to the escrow account and shall be paid therefrom.

"(9) The escrow account shall constitute a specific pledge to the awarding authority, and the contractor shall not, except to his surety, otherwise assign, pledge, discount, sell or transfer his interest in said escrow account, the funds in

which shall not be subject to levy, garnishment, attachment or any other process whatsoever.

"(10) The form of the escrow agreement and provisions thereof in compliance herewith, as well as such other provisions as the awarding authority shall from time to time prescribe, shall be subject to written approval of the awarding authority. The approval of the escrow agreement by the awarding authority shall authorize the escrow agent to accept appointment in such capacity.

"(11) The awarding authority shall not be liable to the contractor or his surety for the failure of the escrow agent to perform under the escrow agreement, or for the failure of any financial institution to honor investments issued by it which are held in the escrow account.

"(f) The contractor may withdraw the whole or any part of the retainage upon deposit of securities only in accordance with the following procedures:

"(1) The contractor shall deposit with the State Treasurer or the municipal or county official holding funds belonging to the contractor, the following readily negotiable security or any combination thereof in an amount at least equal to the amount withdrawn, the security shall be accepted at the time of deposit at market value but not in excess of par value:

"a. U. S. Treasury bonds, U. S. Treasury notes, U. S. Treasury certificates of indebtedness, or U. S. Treasury bills.

"b. Bonds or notes of the State of Alabama.

"c. Bonds of any political subdivision of the State of Alabama.

"d. Certificates of deposit issued by the Federal Deposit Insurance Corporation insured banks located in the State of Alabama. The certificates shall be negotiable and only in an amount not in excess of the maximum dollar amount of coverage by the Federal Deposit Insurance Corporation.

"e. Certificates of deposit issued by savings and loan associations located in the State of Alabama, the accounts of which are insured by the Federal Deposit Insurance Corporation or the accounts which are insured by a company approved by the state board savings and loan associations and the certificates shall be made payable with accrued interest on demand. Any certificate from any of the savings and loan associations referred to in this paragraph shall not be for an amount in excess of the maximum dollar amount of coverage of the Federal Deposit Insurance Corporation.

"(2) The agency or department of the state having jurisdiction over any public works contract shall notify the State Treasurer of the amount of the deposit required and shall also notify the State Treasurer when to release the deposit.

"(3) The architect or engineer representing any municipality or county or the chair of any board, commission, or agency of any municipality or county shall notify the municipal or county official of the amount of deposit required and shall also notify the municipal or county official when to release the deposit.

"(4) At the time of deposit of any security, the security may be endorsed and shall be accompanied by a conditional assignment to the public body designated as owner in the contract document, which assignment shall empower the State Treasurer, or the municipal or county official to negotiate the security at any time to the extent necessary to cause the fulfilling of the contract.

"(5) Any interest or income due on any security deposited shall be paid to the contractor. If the deposit is in the form of coupon bonds, the coupons, as they respectively become due, shall be delivered to the contractor.

"(6) In the event the contractor defaults in the performance of the contract or any portion of the contract, the securities deposited by the contractor in lieu of retainage and all interest, income, and coupons accruing on the securities, after default, may be sold by the state or any agency or department of the state, any municipality or county, or any board, commission, or agency of the municipality or county and the proceeds of the sale shall be used as if the proceeds represented the retainage provided for under the contract.

"(e)(g) All material and work covered by partial payments made shall ~~thereon~~ become the sole property of the awarding authority, but ~~this provision shall not be construed as relieving the contractor shall not be relieved~~ from the sole responsibility for the care and protection of materials and work upon which payments have been made, ~~or and for the restoration of any damaged work or as a waiver of the right of the awarding authority to require the fulfillment of all the terms of the contract.~~

"(f)(h) Upon completion and acceptance of all work required, ~~but not until 10 days after advertisement of the completion as provided by law,~~ the amount due the contractor under the terms of the contract shall be paid upon the contractor's presentation of the following: (1) a properly executed and duly certified voucher for payment; ~~therefor, after the contractor shall have furnished the awarding authority with~~ (2) a release, if required, of all claims and claims of lien against the awarding authority arising under and by virtue of the contract, other than such claims of the contractor, if any, as may be specifically excepted by the contractor from the operation of the release in stated amounts to be set forth therein; and the ~~presentation of~~ (3) proof of advertisement as provided by law."

"§39-2-13.

"For the purpose of carrying into effect the terms of this chapter and insuring to the state and its political subdivisions the award of all contracts to ~~competent and responsible and responsive~~ bidders, the awarding authority ~~shall be empowered to may~~ prepare and promulgate ~~such~~ rules and regulations ~~as may be deemed it deems~~ proper, but not inconsistent with the terms of this chapter."

"§39-3-1.

~~"(a) The awarding authority contracting for the construction, repair or maintenance of any public building, bridge, road or other like project of a public works project to be financed entirely by the State of Alabama or any political subdivision thereof of the state, shall stipulate or cause to be stipulated in the contract a provision whereby the person, firm, or corporation undertaking the project agrees to use in the execution thereof of the contract materials, supplies, and products manufactured, mined, processed, or otherwise produced in the United States or its territories, if the same are available at reasonable and competitive prices and are not contrary to any sole source specification implemented under subsection (f) of Section 39-2-2.~~

~~"(b) Such contracts shall also contain a stipulation for payment of liquidated damages in an amount not less than \$500.00 nor more than 20 percent of the gross amount of the contract in In the event the contractor breaches his the agreement to use domestic products, and domestic products are not used, there shall be a downward adjustment in the contract price equal to any realized savings or benefits to the contractor."~~

"§39-3-4.

~~"(a) Any contractor for a state, county or municipal construction project public works project, financed entirely by the State of Alabama or any political subdivision thereof, within this state is hereby required to shall use steel produced within the United States when specifications in the construction contract require the use of steel and do not limit its supply to a sole source under subsection (f) of Section 39-2-2. If, in the opinion of the highway director the awarding authority decides that, the procurement of the above mentioned domestic steel products becomes impractical as a result of a national emergency, national strike, or other cause, the highway director may awarding authority shall waive the above restriction for highway related projects. If, in the opinion of the director of the building commission, the procurement of the abovementioned domestic steel products becomes impractical as a result of national emergency, national strike, or other causes, he may waive the above restriction for building construction.~~

~~"(b) The construction contract with any In the event the contractor who violates the domestic steel requirements of subsection (a), shall be automatically revoked and such contractor shall not be entitled to any set-off or recoupment for labor or materials used up to the time of such revocation and domestic steel is not used, there shall be a downward adjustment in the contract price equal to any realized savings or benefits to the contractor."~~

"§39-5-1.

"(a) No civil action shall be brought or maintained by a contractor in any court in this state to require any person or awarding authority to pay out public funds for work and labor done, for materials supplied, or on any account

connected with performance of a contract for public works or public improvements, if ~~such the~~ contract was let or executed in violation of or contrary to the provisions of this title or any other provision of law.

"(b) The awarding authority shall, prior to the execution of final contracts and bonds, certify that the contract to be awarded is let in compliance with this title and all other applicable provisions of law; and, only for purposes of a civil action as referenced in subsection (a), the issuance of such the certificate by the awarding authority shall be constitute a conclusive presumption that said the contract was let in accordance with such the laws. The presumption may be rebutted only by a showing with clear and convincing evidence that the certification is false or fraudulent and that the contractor knew that the certification was false or fraudulent before execution of the contract."

"§39-5-2.

"Any awarding authority or its agents issuing a willfully false or fraudulent certificate as required by Section 39-5-1 shall be guilty of a felony and, on conviction thereof, shall be fined not less than ~~\$1,000.00~~ five thousand dollars (\$5,000) nor more than ~~\$10,000.00~~ fifty thousand dollars (\$50,000) or, at the discretion of the jury, shall be imprisoned in the penitentiary for not less than one nor more than ~~five~~ three years."

"§39-5-3.

"An action shall be brought by the Attorney General or may be brought by any interested citizen, in the name and for the benefit of the state awarding authority, to recover paid public funds from the awarding authority, contractor, or their sureties its surety, or any person receiving funds under any public works contract let in violation of or contrary to this title or any other provision of law, if there is clear and convincing evidence that the contractor, its surety, or such person knew of the violation before execution of the contract. The action shall be commenced within one year of final settlement of the contract."

"§39-5-4.

"The Attorney General, a bona fide unsuccessful or disqualified bidder, or any interested citizen may maintain an action to enjoin the letting or execution of any public works contract in violation of or contrary to the provisions of this title or any other statute and may enjoin payment of any public funds under any such contract. In the case of a successful action brought by a bidder, reasonable bid preparation costs shall be recoverable by that bidder. The action shall be commenced within 45 days of the contract award."

"§39-5-5.

"All persons or parties entering into contracts or agreements with any agency or instrumentality of the State of Alabama an awarding authority for the

construction of a public improvement work shall be conclusively presumed to have notice of the provisions of this chapter title."

"§39-5-6.

"The provisions of this ~~chapter title~~ are mandatory, and ~~such~~ shall be so construed as to require strict competitive bidding on contracts for ~~public improvements or public works~~. The courts shall not invoke or apply any principle of quantum meruit, or estoppel, or any other legal or equitable principle which would allow recovery for work and labor done or materials furnished under any contract let in violation of competitive bidding requirements as prescribed by law."

"§41-16-20.

"With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all All contracts of whatever nature for labor, services, work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving seven thousand five hundred dollars (\$7,500) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as otherwise provided in this article, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder."

"§41-16-50.

"(a) With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all All expenditure of funds of whatever nature for labor, services, work, or for the purchase of materials, equipment, supplies, or other personal property involving seven thousand five hundred dollars (\$7,500) or more, and the lease of materials, equipment, supplies, or other personal property where the lessee is, or becomes legally and contractually, bound under the terms of the lease, to pay a total amount of seven thousand five hundred dollars (\$7,500) or more, made by or on behalf of any state trade school, state junior college, state college, or university under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder. Prior to advertising for bids for an item of personal property, where the county, a municipality, or an instrumentality thereof is the awarding authority, the awarding authority may establish a local preference zone consisting of either the legal boundaries or jurisdiction of the awarding authority, or the boundaries of the county in which the awarding authority is located, or the boundaries of the Standard Metropolitan Statistical Area (SMSA) in which the awarding authority is located. If no such action is taken by the awarding authority,

the boundaries of the local preference zone shall be deemed to be the same as the legal boundaries or jurisdiction of the awarding authority. In the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm, or corporation deemed to be a responsible bidder, having a place of business within the local preference zone county or Standard Metropolitan Statistical Area (SMSA), where the county, a municipality, or an instrumentality thereof is the awarding authority, and the bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to the resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

"(b) The governing bodies of two or more contracting agencies, as enumerated in subsection (a) within the same county or adjoining counties, may provide, by joint agreement, for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property for use by their respective agencies. The agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased, the manner of advertising for bids and the awarding of contracts, the method of payment by each participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and the agent shall have the responsibility to comply with this article. Purchases, contracts, or agreements made pursuant to a joint purchasing agreement shall be subject to all terms and conditions of this article.

"(c) All bidders shall furnish a bid bond on any contract exceeding ten thousand dollars (\$10,000); ~~provided, that if~~ bonding is available for the services, equipment, or materials."

Section 2. (a) No officer or employee of an awarding authority and no person acting or purporting to act on behalf of such officer or employee of an awarding authority, except a public agency or authority created pursuant to agreement or compact with another state, shall, with respect to any public works contract, require the bidder to obtain or procure any surety bond or contract of insurance specified in connection with such contract or specified by any law, ordinance, or regulation from a particular surety company, insurance company, bonding company, agent, or broker. No officer, employee, person, firm, or corporation acting or purporting to act on behalf of any officer or employee of an awarding authority shall negotiate, make application, obtain, or procure any surety bond or contract of insurance, except contracts of insurance for builder's risk or owner's protective liability, which shall be obtained or procured by the bidder, contractor, or subcontractor.

(b) The provisions of subsection (a) shall not prevent an officer or employee on behalf of an awarding authority from exercising the right to approve the form, sufficiency, or manner of execution of the surety bonds or contracts of insurance furnished by the surety company, insurance company, or bonding company selected by the bidder to underwrite surety bonds or contracts of insurance. The insurance company, bonding company, or surety company shall meet all requirements for such companies otherwise provided for by law.

(c) All provisions in any invitation for bids or in any of the contract documents in conflict with this section are declared to be void and unenforceable as contrary to the public policy of this state.

Section 3. Notwithstanding any other laws to the contrary, this act shall control all public works contracts on the state, county, and municipal levels of government in the State of Alabama.

Section 4. Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, penalties, withdrawal by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents, and all laws or parts of laws which conflict with this act are specifically repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Robinson, Rogers (M),

Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

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And the bill:

H. 358. To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 1.

Yea:

Mr. Speaker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

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Nay:

Representative Payne.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Dean, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 117.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dean, the Budget Isolation Resolution relating to the bill, H. 117, was adopted.

Yeas 74; Nays 3.

Yea:

Mr. Speaker, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Hall (L), Knight (J) and Minnifield.

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H. 117 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 117, was temporarily carried over at the request of Representative Dean.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 263. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the

Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McKee, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 802.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 802, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Boyd, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Maull, McAdory, McDaniel, McKee, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Venable, Warren, Willis and Wren.

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And the bill:

H. 802. To amend Section 28-3A-25 of the Code of Alabama 1975, to provide further for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A),

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Hall (L), Hamilton, Hammett, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, McClammy, McKee, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Venable, Warren, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Wren, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 9.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 9, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 9. To exempt the Camp Smile-A-Mile from the payment of all state, county, and municipal sales and uses taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 687. Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of properly licensed retailers serving the general public in the city.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Townsend, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 713.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Townsend, the Budget Isolation Resolution relating to the bill, H. 713, was adopted.

Yeas 73; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Carns, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin,

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Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-73

Nay:

Representative Page.

- 1

And the bill:

H. 713. (With Amendment): Relating to insurance; to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with a qualified testing organization for the administration of the examinations of insurance agents and brokers; and to allow the examination fees, approved by the commissioner, for the services to be paid directly to the testing institution in lieu of the fees set forth in Section 27-4-2, Code of Alabama 1975, up to fifty dollars (\$50).

was taken up.

SUBSTITUTE OFFERED

Representative Townsend offered the following substitute to the bill, H. 713, and to the pending amendment reported by the Standing Committee on Insurance:

A BILL
TO BE ENTITLED
AN ACT

Relating to insurance, to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with a qualified testing organization for the administration of the examinations of life and disability insurance agents and brokers, and to allow the examination fees for the services to be paid directly to the testing institution in lieu of, but not in excess of, the fees set forth in Section 27-4-2, Code of Alabama 1975, by amending Section 27-8-7, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 27-8-7, Code of Alabama 1975, is amended to read as follows:

"§27-8-7.

"(a) The commission shall establish rules and regulations with respect to:

"(1) The classification of applicants according to the type of insurance to be effected by them;

"(2) The scope, type and conduct of written examinations; and

"(3) The times and places within the state for the holding of ~~such~~ the examinations. An applicant shall be permitted to take an examination once in each two weeks in the principal office of the commissioner, and an examination shall be held at least as often as once in each three months in each congressional district.

"(b) ~~Such~~ The rules and regulations shall classify applicant for purposes of this section as follows:

"(1) Those desiring to write life insurance;

"(2) Those desiring to write disability insurance;

"(3) Those desiring to write any combination of the above classifications; and

"(4) ~~Such~~ Any other classifications as, in the opinion of the commissioner, are necessary or appropriate.

"(c) Examination shall be prepared and given in those subjects only which pertain to the classification, or classifications, which apply to the applicant, and no applicant shall be required to take an examination on a subject, or subjects, pertaining to any other classification. Prior to the examination, the commissioner shall value each question to be asked therein, and the sum of ~~such~~ the values shall total 100. Each of the answers given shall correspondingly be valued proportionately to its correctness, and the sum of ~~such~~ the values totaling 70 shall constitute a passing grade. An applicant shall have the right to be examined as to all of ~~such~~ the classifications in the same examination and shall be required to pay but one examination application filing fee therefor.

"(d) The commissioner ~~shall not~~ may contract with any qualified ~~educational~~ testing institutions for administration of the examination, including, but not limited to, the preparation, analysis or and grading of the written portions of the examination. If the commissioner contracts with a qualified testing institution, fees approved by the commissioner for the services may, at the commissioner's discretion, be paid directly to the testing institution and the fee shall be in lieu of, but not in excess of, the fees for the examination required under Section 27-8-6, as specified in Section 27-4-2."

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28th Day

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Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-77

AMENDMENT OFFERED

Representative Townsend offered the following amendment to the bill, H. 713, as amended:

On page 1, line 14, after the word "any" strike the language "qualified testing institutions" and insert in lieu thereof the following: Alabama institution of higher education

On page 2, line 1, after the word "with" strike the language "a qualified testing organization" and insert in lieu thereof the following: any Alabama institution of higher education

On page 3, line 21, after the word "any" strike the language "qualified ~~educational~~ testing institutions" and insert in lieu thereof the following: Alabama institution of higher education

On page 3, line 25, delete the word "qualified".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable and Wren.

-74

And the bill:

H. 713. Relating to insurance, to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with any Alabama institution of higher education for the administration of the examinations of life and disability insurance agents and brokers, and to allow the examination fees for the services to be paid directly to the testing institution in lieu of, but not in excess of, the fees set forth in Section 27-4-2, Code of Alabama 1975, by amending Section 27-8-7, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Warren, Willis and Wren.

-76

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turner, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 766.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 766, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-84

And the bill:

H. 766. (With Substitute): To amend Section 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 766, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 9-17-25 and 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 9-17-25 and 40-20-2, Code of Alabama 1975, are amended to read as follows:

"§9-17-25.

"(a) For the purpose of defraying the expenses connected with the administration and enforcement of this article, including the expense of the inspections, tests, analyses and all other expenses connected with the supervision and protection of crude petroleum oil and natural gas in the State of Alabama, there is hereby levied on the producer a tax equal in amount to two percent of the gross value, at the point of production, of the crude petroleum oil or natural gas produced for sale, transport, storage, profit or for use from any well or wells in the State of Alabama. Provided, however, that natural gas lawfully injected into oil or gas pools or reservoirs in the soil or beneath the soil or waters of the State of Alabama is exempt from this tax. Provided, further, that natural gas lawfully injected into the earth for the purpose of lifting oil or gas in the State of Alabama is exempt from this tax. However, if any gas so injected into the earth is sold for such purposes or injected into underground storage facilities as defined in Section 9-17-150 et seq., then the gas so sold or injected shall not be exempt from this tax. Natural gas lawfully vented or flared in connection with the production, treatment, or processing of oil or gas is exempt from the tax. The tax shall be paid to the Department of Revenue directly by the purchaser when authorized in writing by the producer, and, when so paid, the producer or person in charge of production shall be relieved of any further liability.

"(b) For any well for which the initial permit issued by the Oil and Gas Board is dated on or after July 1, 1996, and before July 1, 1999, except a replacement well for a well for which the initial permit was issued by the Oil and Gas Board is dated before July 1, 1996, the applicable rate of tax levied pursuant to subsection (a) shall be one percent for a period of five years commencing with commercial production, after which subsection (a) shall apply.

"§40-20-2.

"(a)(1) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the State of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production except as provided in subsequent subdivisions of this subsection.

"(2) Effective May 1, 1985, and thereafter, the incremental oil or gas production produced during a given year resulting from a qualified enhanced recovery project shall be taxed at the rate of four percent of gross value at the point of production of said incremental oil or gas production. The State Oil and Gas Board of Alabama shall approve the qualified enhanced recovery project and

the determination of the projected annual oil or gas production that could have otherwise been produced without the benefit of the initiation of said qualified enhanced recovery project at a hearing held pursuant to Section 9-17-7, as amended, and shall notify the Alabama Department of Revenue thereof.

"(3) All wells producing 25 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at the rate of four percent of gross value of said oil or gas at the point of production.

"(4) All oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six percent of the gross value of said oil and gas at the point of production for a period of five years from the date production begins from said discovery and development wells, provided, that all production to receive a six percent tax rate, which is produced from discovery wells, must be from discovery wells permitted by the State Oil and Gas Board of Alabama after July 1, 1984, and that all production to receive a six percent tax rate from development wells on which drilling commenced within the required time of completion of a discovery well, which was permitted after July 1, 1984, and said development well must also have been permitted after July 1, 1984; provided however, that the six percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six percent five-year, tax rate period for only the remainder of the said tax rate period.

"(5) All oil or gas produced by offshore production, as defined herein, at depths greater than 18,000 feet below mean sea level, shall be taxed at the rate of six percent of the gross value of said oil or gas production at the point of production.

"(6) Expired by Acts 1984, No. 84-672, p. 5, § 2.

"(7) For any well for which the initial permit issued by the Oil and Gas Board is dated on or after July 1, 1988, except a replacement well for a well for which the initial permit issued by the Oil and Gas Board is dated before July 1, 1988, the rates provided in subdivisions (1) and (5) of this subsection shall be reduced by 2 percent.

"(8) For any well for which the initial permit issued by the Oil and Gas Board is dated on or after July 1, 1996, and before July 1, 1999, except a replacement well for a well for which the initial permit issued by the Oil and Gas Board is dated before July 1, 1996, the applicable rate shall be reduced by 50 percent for a period of five years commencing with commercial production after which subdivision (7) shall apply.

"(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition. Provided, however, that natural gas lawfully injected into oil or gas pools or reservoirs in the soil or beneath the soil or waters of the State of Alabama is exempt from this tax. Provided, further, that natural gas lawfully injected into the earth for the purpose of lifting oil or gas in the State of Alabama is exempt from this tax. However, if any gas so injected into the earth is sold for such purposes or injected into underground storage facilities as defined in Section 9-17-150 et seq., then the gas so sold or injected shall not be exempt from this tax. Natural gas lawfully vented or flared in connection with the production, treatment, or processing of oil or gas is exempt from this tax.

"(c) A county, city, town or municipality of the State of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the State of Alabama and on which severance taxes have been paid to the State of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in Section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in Section 40-20-1.

"(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in Section 40-20-1.

"(e) In all cases of production of oil from unit operations as authorized and approved by the State Oil and Gas Board of Alabama, for purposes of computing

the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-88

And the bill:

H. 766. To amend Sections 9-17-25 and 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Jackson,

Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turnham, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 710.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 710, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-79

And the bill:

H. 710. To amend Section 8-17-91, Code of Alabama 1975, relating to permit fees collected by the Commissioner of Agriculture and Industries, to provide further for the formula and percentages of the distribution of the proceeds.

was taken up.

AMENDMENT OFFERED

Representative Turnham offered the following amendment to the bill, H. 710:

Amend H. 710 as follows:

On page 9, after Section 1, insert a new Section 2 as follows: The provisions of Section 1 to the contrary notwithstanding, any person, agency or entity that currently receives funds pursuant to Section 8-17-91, Code of Alabama 1975, shall not receive less funds after the effective date of this Act than was received for the fiscal year ending September 30, 1996, by the person, agency, or entity.

On page 9, line 6, delete "2" and insert in lieu thereof 3.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren and White.

-78

And the bill:

H. 710. To amend Section 8-17-91, Code of Alabama 1975, relating to permit fees collected by the Commissioner of Agriculture and Industries, to provide further for the formula and percentages of the distribution of the proceeds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-79

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carothers, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 506.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 506, was adopted.

Yeas 70; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, Maull, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sims, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-70

Nay:

Representative Laird.

**REGULAR SESSION
28th Day**

3105

And the bill:

H. 506. (With Amendment): To amend Section 14-1-1.2 of the Code of Alabama 1975, relating to the Department of Corrections, to require the consent of the Legislature before a penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity whose purpose is to profit.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 506, said committee amendment being as follows:

On page 1 line 26, before the word "penal" add the words "current operational" and further on page 2 line 11, before the word "institutions" add the words "current operational".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, Maull, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-77

Nay:

Representatives Laird and Smith.

- 2

And the bill:

H. 506. To amend Section 14-1-1.2 of the Code of Alabama 1975, relating

to the Department of Corrections, to require the consent of the Legislature before a current operational penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity whose purpose is to profit.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

Nay:

Representatives Haney, Laird and Smith.

- 3

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Smith, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 113.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Smith, the Budget Isolation Resolution relating to the bill, H. 113, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett,

Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 113. (With Substitute): To allow an active and contributing member of the Teachers' Retirement System to purchase a certain amount of service credit in the system of time spent on maternity leave and to provide for a period of time for purchase of the service credit.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 113, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To allow an active and contributing member of the Teachers' Retirement System to purchase a certain amount of service credit in the system of time spent on maternity leave and to provide for a period of time for purchase of the service credit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Any provision of Chapter 25 of Title 16, Code of Alabama 1975, to the contrary notwithstanding, active and contributing members of the Teachers' Retirement System may purchase service credit in the system not to exceed one year for any period of time while they were on maternity leave from service without pay. The board of Control of the Teachers' Retirement System shall adopt rules and regulations for the administration of this section including verification of the service that the member desires to purchase credit for in the system. The member shall receive credit for the service when he or she remits to the system the contributions required by subsection (b). Notwithstanding the foregoing language, no member of the Teachers' Retirement System shall be eligible to receive credit for any period of time that the member is already credited with in the system or in any other retirement plan, with the exception of the federal social security program.

(b) Any member who is eligible to purchase service credit in the Teachers' Retirement System under subsection (a) shall pay to the secretary-treasurer of the system, prior to October 1, 1996, for the claimed service, a sum equal to a percentage of his or her current annual earnable compensation average. The applicable percentage shall be the sum of the prevailing percentage rates of employer and member contributions, as required by the most recent actuarial valuations, for each year of service credit purchased.

Section 2. Subsequent to October 1, 1996, any member claiming service credit under the provisions of section one of this act shall claim and purchase the service credit no later than June 30 of the year immediately following the expiration of the maternity leave.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 113. To allow an active and contributing member of the Teachers' Retirement System to purchase a certain amount of service credit in the system of time spent on maternity leave and to provide for a period of time for purchase of the service credit.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Thomas (D), the rules were suspended in order to take up out of order the bill, H. 734.

And the bill:

H. 734. (With Substitute): To make a conditional appropriation from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 734, said committee substitute being as follows:

To make a conditional appropriation of \$125,000 from the State General Fund in the State Treasury to the International Training Site Committee of Pell City for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representatives Morrison and Drake offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 734:

To make conditional appropriations of \$125,000 each from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, to the City of Cullman, and to Gadsden State Community College for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

H. 734 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 734, the pending substitute reported by the Standing Committee on Ways and Means and the pending substitute offered by Representatives Morrison and Drake were temporarily carried over at the request of Representative Thomas (D).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 624. To provide for the coverage of postpartum care under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hall (L), the House concurred in and adopted the Senate amendment to the bill, H. 624, said Senate amendment being as follows:

On page 3, line 11, after the "period" insert the following: Provided nothing contained in this act is intended to expand the list or designation of covered providers as specified in any health benefit plan or to modify the scope of practice of a certified nurse midwife as provided by law.

On page 3, lines 18 to 21, inclusive, delete Section 5 in its entirety, and renumber subsequent sections accordingly.

Yeas 87; Nays 0.

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Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 673. Establishing the Alabama Home Inspectors Registration Act; to provide for the registration and qualifications of home inspectors in the state; and to provide civil sanctions and penalties for violations.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hill, the House concurred in and adopted the Senate amendment to the bill, H. 673, said Senate amendment being as follows:

Amend H. 673 on Page 5, Line 3, by removing the strike through from the language "used to administer this act" and deleting the words on Line 4 beginning with "deposited" and ending with "used".

Yeas 78; Nays 2.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Drake, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill,

Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Dolbare and McKee.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 755. To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

McDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO CONCUR OFFERED

Representative Johnson (R) offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 755, said amendment being as follows:

On page 3, line 21, after the word "force" insert the following language: or any other law enforcement officer or a peace officer of any incorporated municipality or town which has less than 19,000 inhabitants according to the most recent federal decennial census

**SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST
COMMITTEE ON CONFERENCE BE APPOINTED OFFERED**

Representative Knight (J) offered the substitute motion that the House non-concur in the Senate amendment to the bill, H. 755, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses.

MOTION TO TABLE LOST

The motion offered by Representative Johnson (R), to table the substitute motion offered by Representative Knight (J) that the House non-concur in the Senate amendment to the bill, H. 755, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses was lost.

Yeas 35; Nays 37.

Yea:

Representatives Black (M), Carns, Carothers, Clouse, Dean, Galliher, Gaston, Graham, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hinshaw, Hooper, Jackson, Johnson (R), Knight (A), McAdory, McKee, Millican, Minnifield, Moore, Morrow, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Rogers (M), Sims, Starkey, Warren and White.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Carter, Crigler, Dolbare, Flowers, Guin, Haney, Hill, Hogan, Holmes, Houston, Knight (J), Laird, Lindsey, McClammy, McMillan, Mitchell, Morrison, Morton, Murphree, Parker (P), Petelos, Robinson, Rogers (J), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 234. To amend Section 9-3-18 of the Code of Alabama 1975, to provide further for certain organizations deemed to be public in nature.

McDOWELL LEE
Secretary

NOTICE IN WRITING FILED

Representative Haney filed the following Notice in Writing:

Notice is hereby give in accordance with House Rule 10 that the rules of the House be amended as follows:

After Rule 73, add the following new rule and renumber subsequent rules:

"Any bill submitted to the Ways and Means Committee for exemption of state, county or municipal taxes will be denied a favorable report unless 4/5 of the voting members approve the bill."

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 687. Relating to Montgomery County; to authorize the governing body of the City of Montgomery to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of properly licensed retailers serving the general public in the city.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 980. Relating to Tuscaloosa County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit

of monies earned; and providing for the distribution and auditing of monies earned.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 692. To amend Section 16-13-144, Code of Alabama 1975, relating to local board of education budgets and providing a prohibition and penalty for a deficit budget; to permit the State Superintendent of Education to waive the penalty for school systems making a substantial effort to remove the deficit.

McDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 490. To prohibit the possession, distribution, or use of certain telecommunication devices, plans, or equipment; and to provide criminal penalties and certain civil remedies.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 900. To amend Section 40-23-1, Code of Alabama 1975, to provide further for transactions defined as sales for state sales tax purposes.

TOMMY CARTER
Chairman

And the bill, H. 900, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 895. To make a conditional appropriation from the State General Fund in the State Treasury to the municipal governing body of the City of Phenix City, in the amount of \$100,000 for the fiscal year ending September 30, 1996.

TOMMY CARTER
Chairman

And the bill, H. 895, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 787. To amend Section 7-4-406 of the Code of Alabama 1975; to remove the requirement of financial institutions providing the name of the payee

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on the statement of account in which items are not returned within the statement of account.

TOMMY CARTER
Chairman

And the bill, H. 787, as engrossed, was ordered sent to the Senate.

H. 755 RESUMED

MOTION TO TABLE LOST

The motion offered by Representative Hall (A) to table the substitute motion offered by Representative Knight (J) that the House non-concur in the Senate amendment to the bill, H. 755, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses was lost.

Yeas 28; Nays 52.

Yea:

Representatives Black (M), Carothers, Clouse, Dean, Drake, Galliher, Gaston, Graham, Hall (A), Hall (L), Hamilton, Hawk, Johnson (R), Knight (A), McDaniel, McKee, Millican, Minnifield, Morrow, Newton (C), Page, Papucci, Parker (T), Perdue, Pringle, Starkey, Warren and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Carns, Carter, Crigler, Dolbare, Dukes, Flowers, Gaines, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Knight (J), Laird, Maull, McAdory, McClammy, McMillan, Melton, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Parker (P), Payne, Petelos, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable and Willis.

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**SUBSTITUTE TO SUBSTITUTE MOTION
TO NON-CONCUR TABLED**

On motion of Representative Johnson (R), the substitute to the substitute motion offered by Representative Parker (P) that the House non-concur in the Senate amendment to the bill, H. 755, was tabled.

Yeas 77; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Carter, Dukes, Guin, Parker (P), Petelos, Turner and Turnham.

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SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST COMMITTEE ON CONFERENCE BE APPOINTED ADOPTED

The question was then on the substitute motion offered by Representative Knight (J) that the House non-concur in the Senate amendment to the bill, H. 755, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses, and the substitute motion was adopted.

Yeas 86; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Hall (A) and Petelos.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Johnson (R), Spratt and Thomas (D) on the disagreement of the two Houses on the Senate amendment to the bill, H. 755.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 420. To amend Section 40-26-1, Code of Alabama 1975, relating to the state transient occupancy tax, to provide that tuition and fees charged by summer camps and similar conference facilities providing programs for children, certain students, and members or guests of certain nonprofit organizations are exempt from the transient occupancy tax; and to provide a retroactive effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turnham, the House concurred in and adopted the Senate amendment to the bill, H. 420, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 40-26-1, Code of Alabama 1975, relating to the state transient occupancy tax, to provide that tuition and fees charged by summer camps and similar conference facilities providing programs for children, certain students, and members or guests of certain nonprofit organizations are exempt from the transient occupancy tax; and to provide a retroactive effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-26-1, Code of Alabama 1975, is amended to read as follows:

"§40-26-1.

"(a) There is ~~hereby~~ levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business of renting or furnishing any room or rooms, lodging, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in any county which is located in the geographic region comprising the Alabama mountain lakes area, those being Blount, Cherokee, Colbert, Cullman, DeKalb, Etowah, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, and Winston, in an amount to be determined by the application of the rate of five percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room, and the rate of four percent of said the charge in every other county; ~~provided, that there.~~ There is exempted from the tax levied under the provisions of this chapter any rentals or services taxed under ~~the provisions of~~ Division 1 of Article 1 of Chapter 23 of this title.

"(b) The tax shall not apply to rooms, lodgings, or accommodations supplied: (i) for a period of 30 continuous days or more in any place; (ii) by camps, conference centers, or similar facilities operated by nonprofit organizations primarily for the benefit of, and in connection with, recreational or educational programs for children, students, or members or guests of other nonprofit organizations during any calendar year; or (iii) by privately operated camps, conference centers, or similar facilities that provide lodging and recreational or educational programs exclusively for the benefit of children, students, or members or guests of nonprofit organizations during any calendar year.

"(c) For purposes of subsection (b): "children" means individuals under age 21; "student" is defined in accordance with 26 U.S.C. §151(c)(4), as in effect from time to time or by any successor law; "nonprofit organization" is an organization exempt from federal income tax under 26 U.S.C. § 501(c)(3), as in effect from time to time or any successor law; and "privately operated" refers to any camp, conference center, or similar facility other than those operated by a nonprofit organization as herein defined."

Section 2. By enactment of this clarifying legislation, it is the intent of the Legislature with regard to Section 40-26-1 to reject Department of Revenue Regulation 810-6-5-.21. It has been the consistent intent of the Legislature not to impose the transient occupancy tax on fees, tuition, or other charges of both nonprofit and privately operated camps and similar conference facilities with respect to lodging and programs provided for children, full-time students, or members or guests of nonprofit organizations.

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Section 3. This act shall be retroactively effective for all open tax years, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Buskey, Carns, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Baker, the rules were suspended in order to permit the Standing Committee on Local Legislation No. 1 to meet while the House is in Session.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Wren, the rules were suspended in order to permit the Standing Committee on Local Legislation No. 5 to meet while the House is in Session.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (D), the rules were suspended in order to permit the Standing Committee on Local Legislation No. 2 to meet while the House is in Session.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 390. To provide distinctive motor vehicle license tags or plates for supporters of the Old Cahawba Capitol Site; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Maull, the House concurred in and adopted the Senate amendment to the bill, H. 390, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Providing for distinctive motor vehicle license tags or plates for supporters of the Old Cahawba Capitol Site, the National Voting Rights Museum and Institute or the 21st Century Youth Leadership Project; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Upon application to the judge of probate or license commissioner, compliance with motor vehicle registration and licensing laws, payment of regular fees required by law for license tags or plates for private passenger or pleasure motor vehicles, and payment of an additional fee of fifty dollars (\$50), owners of motor vehicles who are residents of Alabama shall be issued either of the following distinctive tags or plates: "Cahawba-First Capitol"; "National Voting Rights Museum and Institute"; or "21st Century Youth Leadership Project" as the case may be. These tags or plates shall be valid for five years and may then be replaced with either conventional, personalized, or new "Cahawba-First Capitol"; "National Voting Rights Museum and Institute"; or "21st Century Youth Leadership Project" tags or plates. Payment of required license fees and taxes for the years during which a new tag or plate is not issued shall be evidenced as provided for in Section 32-6-63 of the Code of Alabama 1975. The distinctive "Cahawba-First Capitol"; "National Voting Rights Museum and Institute"; or "21st Century Youth Leadership Project" license tags or plates shall be designed by the Department of Revenue with the advice of the the Cahawba Advisory Committee, the Board of Directors of the National Voting Rights Museum and Institute or the 21st Century Youth Leadership Project, respectively. The tags or plates shall be issued, printed, and processed like other distinctive and personalized tags or plates provided for in Chapter 6 of Title 32 of the Code of Alabama 1975.

Section 2.

(a) The net proceeds of the additional revenues generated by the fifty dollar (\$50) fee, less administrative costs, including the cost of production of the "Cahawba-First Capitol" tags or plates, shall be distributed by the judge of probate or license commissioner to the Alabama Department of Revenue who shall distribute the proceeds to the Cahawba Advisory Committee. The Cahawba Advisory Committee shall use these funds for continued efforts to develop and promote the Old Cahawba Capitol Site pursuant to Section 41-9-252 of the Code of Alabama 1975.

(b) The net proceeds from the additional revenues generated by the fifty dollar (\$50) fee, minus the production and administrative costs for the "National Voting Rights Museum and Institute" tags or plates, shall be submitted monthly by the Department of Revenue or other appropriate official to the National Voting Rights Museum and Institute. The National Voting Rights Museum and Institute shall use these funds for continued efforts to develop, operate, and promote the National Voting Rights Museum and Institute in Selma, Alabama.

(c) The net proceeds from the additional revenues generated by the fifty dollar (\$50) fee, minus the production and administrative costs for the "21st Century Youth Leadership Project" tags or plates, shall be submitted monthly by the Department of Revenue or other appropriate official to the 21st Century Youth Leadership Project.

Section 3. The distinctive license plates or tags issued pursuant to this act shall not be transferable between motor vehicle owners, and in the event the owner of a vehicle bearing the distinctive plates sells, trades, exchanges, or otherwise disposes of the motor vehicle, the tags or plates shall be retained by the owner to whom issued and returned to the judge of probate or license commissioner of the county, who shall receive and account for the tags or plates as provided in this section. In the event the owner acquires by purchase, trade, exchange, or otherwise, a vehicle for which no standard tags or plates have been issued during the current license period, the judge of probate or license commissioner of the county shall, upon being furnished by the owner proper certification of the acquisition of the vehicle and the payment of the motor vehicle license tax due upon the vehicle, authorize the transfer of the distinctive license tags or plates previously purchased by the owner to the vehicle, which tags or plates shall authorize the operation of the vehicle for the remainder of the current license period. In the event the owner of the distinctive license tag or plate acquires by purchase, trade, exchange, or otherwise a vehicle for which a standard plate has been issued during the current license year, the judge of probate or license commissioner shall, upon proper certification of the owner and upon delivery to the official of the standard plate previously issued for the vehicle, authorize the owner of the newly acquired vehicle to place the distinctive license tags or plates previously purchased on the vehicle and use the tags or plates for the remainder of the current license period. The notice of transfer of ownership shall be recorded by the judge of probate or the license commissioner.

Any person acquiring by purchase, trade, exchange, or otherwise any vehicle formerly bearing the distinctive tags or plates may, upon certification of the fact to the judge of probate or license commissioner of the county and the payment of the fee now required by law, purchase standard replacement plates for the vehicle which shall authorize the operation of the vehicle by the new owner for the remainder of the license period.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective on the first day of the fourth month next following its passage and approval by the Governor, or its otherwise becoming a law.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Buskey, Carns, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 186. To exempt amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to exempt all domestically mined or produced coal, coke, and coke by-products used in cogeneration plants in the state from the payment of all state sales and use taxes.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 300. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Sanders, Figures, and Biddle.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 301. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Freeman, Amari, and Sanders.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 453. To amend §16-1-18.1, Code of Alabama 1975, relating to sick leave accumulation for certain public education employees so as to establish further provisions relating to sick leave; to establish that an employee shall earn one sick

leave day per month of contractual employment; to establish definitions; to establish on-the-job injury regulations; to provide for policies by certain education institutions; to repeal §16-1-18, Code of Alabama 1975, relating to sick leave for support personnel and to incorporate such provisions into this act; to repeal §21-1-21, Code of Alabama 1975, relating to sick leave for employees at the Alabama Institute for Deaf and Blind and to incorporate its provisions into this act; to repeal §16-12-21 and §16-8-25, Code of Alabama 1975, relating to vacations and leaves of absences and to incorporate the provisions into §16-1-18.1, Code of Alabama 1975; and to establish an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Page, the House concurred in and adopted the Senate amendment to the bill, H. 453, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To amend §16-1-18.1, Code of Alabama 1975, relating to sick leave accumulation for certain public education employees so as to establish further provisions relating to sick leave; to establish that an employee shall earn one sick leave day per month of contractual employment; to establish definitions; to establish on-the-job injury regulations; to provide for policies by certain education institutions; to repeal §16-1-18, Code of Alabama 1975, relating to sick leave for support personnel and to incorporate such provisions into this act; to repeal §21-1-21, Code of Alabama 1975, relating to sick leave for employees at the Alabama Institute for Deaf and Blind and to incorporate its provisions into this act; to repeal §16-12-21 and §16-8-25, Code of Alabama 1975, relating to vacations and leaves of absences and to incorporate the provisions into §16-1-18.1, Code of Alabama 1975; and to establish an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-18.1, Code of Alabama 1975, is amended to read as follows:

"§16-1-18.1.

"(a) Definitions. When used in this section, the following terms shall have the following meanings, respectively:

(1) EMPLOYEE. Any person employed full time as provided by law by those employers enumerated in this section; and adult bus drivers.

(2) EMPLOYER. All public city and county boards of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; the Board of Trustees of the Alabama School of Mathematics and Science; the Alabama State Senate; the Lieutenant Governor; the Alabama House of Representatives; any organization participating in the Teachers' Retirement System (excluding any state ~~governmental~~ department or agency not listed herein); and, the State Board of Education as applied to two-year postsecondary education institutions.

(3) EXECUTIVE OFFICER. The superintendent of any public county school system or any public city school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science; the Secretary of the Senate, the Clerk of the House of Representatives, the Lieutenant Governor; the chief executive officer of any other employer as provided in this section.

(4) SICK LEAVE. The absence from duty by an employee as a result of any of the following:

a. Personal illness or doctor's quarantine.

b. Incapacitating personal injury.

c. Attendance upon an ill member of the employee's immediate family (parent, spouse, child, sibling), or an individual with a close personal tie.

d. Death in the family of the employee (parents, spouse, child, sibling, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, grandchild, grandparent, uncle or aunt).

e. Death, injury, or sickness of another person who has unusually strong personal ties to the employee, such as a person who stood in loco parentis.

(5) ON-THE-JOB-INJURY. Any accident or injury to the employee occurring during the performance of duties or when directed or requested by the employer to be on the property of the employer which prevents the employee from working or returning to his or her job.

"(b) Sick Leave for Employees.

(1) Earnings. The employee shall earn one sick leave day per month of employment.

(2) Reasons for taking sick leave. The employee shall be allowed and authorized to take sick leave for any of the reasons so enumerated and defined in this section.

(3) Employee pay while on sick leave. Reimbursement of pay for the employee per day of sick leave shall be at the daily rate of pay for the employee.

"(b) (c) Sick Leave Accumulation and Transfers. An employee shall be allowed to accumulate sick leave up to 225 days. Earned sick leave days which have been accrued by an employee shall be transferrable from one employer to another up to the maximum number of 225 days. The executive officer of the employer shall take care to ensure that certification of the number of unused sick leave days is provided to the new employer when an employee transfers employment. All of the earned and unused sick leave days which an employee has accumulated shall be transferred to the new employer for use by the employee as provided by law.

"(d) On-the-job Injury. The following regulations, procedures, and rights are established pertaining to employees who are injured while on the job:

(1) Notice of Injury. The employee shall make proper notification of the injury to the executive officer (or to the principal of the school, if applicable), within 24 hours after the injury occurred or where the employee is not clinically able to make notification, it shall be permissible for another person who is reasonably knowledgeable to make the notification of the injury. Other notification procedures and forms shall be as established by written policy of the employer.

(2) Physician certification. The employer may require medical certification from the employee's physician that the employee was injured and cannot return to work as a result of the injury. The executive officer may, at his or her discretion, require a second opinion from another physician at the expense of the employer. The employer may require a statement from the physician that there is a reasonable expectation that the employee will be able to return to work. A uniform physician certification form shall be adopted by the State Board of Education and distributed to each executive officer.

(3) Salary Continued. Upon determination by the executive officer that an employee has been injured on the job and cannot return to work as a result of the injury, the salary and fringe benefits of the employee shall be continued for a period of up to ninety (90) working days consistent with the employee's injury and the subsequent absence from work resulting from the injury. This provision shall apply to the temporary disability of the employee as applicable to the job-related injury.

(4) Extension of Days. The employer may adopt a written policy to extend the 90-day sick leave period for on-the-job injuries. Additional job-injury policies may be adopted by the employer if the policies do not conflict with this section.

(5) Reimbursement to Employer. Any reasonable on-the-job injury costs incurred by the employer (to hire a substitute) per absent injured employee in a fiscal year shall be reimbursed to the employer by the state during the next succeeding fiscal year upon application by the employer to the appropriate State

Board of Education department on a form adopted by the State Board (not to exceed 90 work days). The department shall subsequently submit the request to the legislature as a line-item in its budget request for reimbursement to the employer, and, if approved by the legislature, shall reimburse the employer at the amount per day for sick leave authorized and funded in the annual budget act for public schools and colleges.

(6) Employee's Sick Leave. Sick leave shall not be deducted from the employee's account if absence from work is found to be a result of an on-the-job injury as provided in this section.

(7) Additional Expenses. Any unreimbursed medical expenses and costs which the employee incurs as a result of an on-the-job injury may be filed for reimbursement with the State Board of Adjustment. Reimbursement to the employee shall be determined by the Board of Adjustment's policies, rules and regulations which may be adopted from time to time. The Board of Adjustment shall adopt appropriate rules, regulations, and forms for submission by the employee.

(8) The executive officer or his or her designee shall inform the employee who is injured on the job of his or her rights about appearing before the Board of Adjustment and also about applicable written policies within thirty (30) calendar days of notification of the injury."

"(e) Vacations and Leaves of Absences. The employer shall have the authority, under the rules and regulations promulgated from time to time by the State Board of Education, to provide for paid leaves of absences and vacations for its employees. Payment may be from public funds. The employer may provide for leaves of absence during the times the schools are, or are not, in session when the teacher or employee devotes the leave to instructing in or attending schools for appropriate training, or when approved by the State Board of Education as beneficial to the state's educational objectives. The employer may also provide for the payment of any full-time teachers or employees for absences during the time schools are in session when the absence results from an unavoidable cause which prevents the teacher or employee from discharging his or her duties. Pay for the absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one scholastic year.

"(f) The policies and procedures required and permitted by this section shall be adopted by the employer consistent with and as required by §16-1-30, Code of Alabama 1975."

Section 2. Section 16-1-18 and Section 21-1-21, Code of Alabama 1975, relating to sick leave for education support personnel and sick leave for employees at the Alabama Institute for Deaf and Blind are repealed. Section 16-18-25 and Section 16-12-21, Code of Alabama 1975, relating to vacations and leaves of absence for city and county school employees are repealed.

Section 3. This act is supplementary and shall be construed in pari materia with other laws.

Section 4. The provisions of this act are severable. If any part of this act is declared unconstitutional or unenforceable, the remaining provisions of this act shall remain intact.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Carns, Carothers, Carter, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Drake, the rules were suspended in order to take up out of order the bill, H. 734, the pending substitute reported by the Standing Committee on Ways and Means and the pending substitute offered by Representatives Morrison and Drake.

Yeas 58; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Collins, Crigler, Curry, Dean, Drake, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Knight (A), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Newton (D), Papucci, Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderford, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-58

Nay:

Representatives Hall (A), Holmes and Sanderson.

H. 734 AGAIN TAKEN UP

SUBSTITUTE TO SUBSTITUTE TABLED

The question was then on the adoption of the substitute offered by Representatives Morrison and Drake to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 734, and on motion of Representative Drake, the substitute was tabled.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Carns, Carothers, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Knight (A), Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Warren, White and Willis.

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SUBSTITUTE TO SUBSTITUTE OFFERED

Representatives Drake, Morrison and Houston offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 734:

**A BILL
TO BE ENTITLED
AN ACT**

To make conditional appropriations of \$125,000 each from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, to Miles College, Jacksonville State University, to the City of Cullman, and to Gadsden State Community College for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is conditionally appropriated from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, to Miles College, Jacksonville State University, to the City of Cullman, and to Gadsden State Community College, the sums of \$125,000 each for the fiscal year ending September 30, 1996, to be conditioned upon the availability of funds in the

State General Fund, the recommendation of the Director of Finance, and the approval of the Governor. In addition, the appropriations made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of the funds, the International Training Site Committee of Pell City, Miles College, Jacksonville State University, the City of Cullman, and Gadsden State Community College shall provide to the Director of Finance the necessary certification, as determined by the Director of Finance, that the committee has successfully attracted one or more Olympic teams to be housed at the training site while training.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representatives Drake, Morrison and Houston was adopted.

Yeas 68; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, White and Willis.

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Nay:

Representative Hall (A).

- 1

And the bill:

H. 734. To make conditional appropriations of \$125,000 each from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, to Miles College, Jacksonville State University to the City of

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Cullman, and to Gadsden State Community College for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 5.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Jorgensen, Knight (A), Lindsey, McAdory, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White and Willis.

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Nay:

Representatives Dolbare, Hall (A), Johnson (R), Laird and Warren.

- 5

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Newton (D) to adopt the Budget Isolation Resolution relating to the bill, S. 141, was lost, lacking a three-fifths vote.

Yeas 41; Nays 37.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Buskey, Clark (W), Dolbare, Dukes, Galliher, Graham, Guin, Hall (L), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Morrison, Newton (D), Parker (P), Reed, Sanderford, Spratt, Thomas (J), Turner, Vance, Venable and Willis.

-41

Nay:

Representatives Carns, Carothers, Clouse, Collins, Curry, Flowers, Gaines, Hall (A), Haney, Hawkins, Hill, Johnson (R), Jorgensen, Knight (A), Layson, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Murphree, Papucci, Parker (T), Payne, Perdue, Robinson, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Warren and White.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morton intended to vote "Nay" on the motion offered to adopt the Budget Isolation Resolution relating to the bill, S. 141.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 639. To authorize the Alabama State Docks Department to expend certain funds for a safety incentive program.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Moore offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 183.

MOTION TO CARRY OVER TABLED

On motion of Representative Moore, the motion offered by Representative Holmes to temporarily carry over the bill, S. 183, and the pending Budget Isolation Resolution was tabled.

Yeas 46; Nays 21.

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Yea:

Representatives Allen, Black (M), Carns, Clouse, Curry, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Lindsey, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turner, Turnham, White and Willis.

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Nay:

Representatives Bandy, Box, Boyd, Hall (A), Hayden, Holmes, Houston, Jackson, Knight (J), Laird, Layson, McAdory, McClammy, Minnifield, Mitchell, Morrow, Perdue, Reed, Robinson, Smith and Spratt.

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BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Moore to the bill, S. 183, and the Budget Isolation Resolution was adopted.

Yeas 77; Nays 12.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Hilliard, Holmes, Houston, Knight (J), Laird, McClammy, Melton, Minnifield, Newton (D) and Perdue.

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And the bill:

S. 183. (With Amendment): To amend Section 13A-11-72, Code of Alabama 1975, relating to the unlawful possession or ownership of a firearm, to increase certain felony possession on school premises from a Class C to a Class B felony.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, S. 183, said committee amendment being as follows:

Amend S. 183 on Page 1, by striking Lines 30 through 32 in their entirety and inserting in lieu thereof the following language:

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his or her possession or under his or her control.

Further amend S. 183, beginning at Line 33, by renaming the subsequent sub-sections accordingly.

MOTION TO TEMPORARILY CARRY OVER OFFERED

Representative Moore offered the motion to temporarily carry over the Bill, S. 183, and the pending amendment reported by the Standing Committee on Judiciary.

MOTION TO TABLE LOST

The motion offered by Representative Box to table the motion offered by Representative Morton to temporarily carry over the bill, S. 183, and the pending amendment reported by the Standing Committee on Judiciary was lost.

Yeas 30; Nays 33.

Yea:

Representatives Baker, Black (M), Box, Collins, Dukes, Galliher, Graham, Guin, Hall (L), Hamilton, Hill, Hilliard, Hogan, Holmes, Houston, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, Melton, Newton (D), Parker (T), Reed, Sanderford, Spratt, Starkey, Vance and Willis.

Nay:

Representatives Allen, Carns, Carothers, Clouse, Curry, Dean, Ford, Gaines, Hall (A), Haney, Hawkins, Hayden, Hinshaw, Hooper, Johnson (R), Maull, McKee, McMillan, Millican, Moore, Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Warren and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 633. To amend Section 22-12C-5, Code of Alabama 1975; to revise the formula used to calculate civil monetary penalties for vendors who violate Women, Infants, and Children Nutritional Supplement (WIC) Program administrative rules; and to give WIC Program Director, administrative hearing officer, and others as designated by the State Health Officer authority to mitigate or settle adverse actions.

McDOWELL LEE
Secretary

S. 183 RESUMED

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Representative Box, the motion offered by Representative Moore to temporarily carry over the bill, S. 183, and the pending amendment reported by the Standing Committee on Judiciary was tabled.

Yeas 41; Nays 35.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Collins, Dolbare, Dukes, Ford, Galliher, Graham, Guin, Hall (L), Hamilton, Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Morrison, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Rogers (J), Rogers (M), Spratt, Starkey, Vance and White.

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Nay:

Representatives Allen, Baker, Carns, Carothers, Clouse, Gaines, Hall (A), Hammett, Haney, Hawkins, Hill, Hinshaw, Johnson (R), Knight (A), McKee, Millican, Moore, Morrow, Murphree, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Venable, Warren and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 263. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 692. To amend Section 16-13-144, Code of Alabama 1975, relating to local board of education budgets and providing a prohibition and penalty for a

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deficit budget; to permit the State Superintendent of Education to waive the penalty for school systems making a substantial effort to remove the deficit.

Also:

H. 980. Relating to Tuscaloosa County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 432. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Russell County, Alabama.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 755. To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Barron, Waggoner, and Smitherman.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 234. To amend Section 9-3-18 of the Code of Alabama 1975, to provide further for certain organizations deemed to be public in nature.

Also:

H. 624. To provide for the coverage of postpartum care under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

Also:

H. 673. Establishing the Alabama Home Inspectors Registration Act; to provide for the registration and qualifications of home inspectors in the state; and to provide civil sanctions and penalties for violations.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 420. To amend Section 40-26-1, Code of Alabama 1975, relating to the state transient occupancy tax, to provide that tuition and fees charged by summer camps and similar conference facilities providing programs for children, certain students, and members or guests of certain nonprofit organizations are exempt from the transient occupancy tax; and to provide a retroactive effective date.

Also:

H. 186. To exempt amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to exempt all domestically mined or produced coal, coke, and coke by-products used in cogeneration plants in the state from the payment of all state sales and use taxes.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 639. To authorize the Alabama State Docks Department to expend certain funds for a safety incentive program.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 390. Providing for distinctive motor vehicle license tags or plates for supporters of the Old Cahawba Capitol Site, the National Voting Rights Museum and Institute or the 21st Century Youth Leadership Project; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 358. To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of

the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

TOMMY CARTER
Chairman

And the bill, H. 358, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 710. To amend Section 8-17-91, Code of Alabama 1975, relating to permit fees collected by the Commissioner of Agriculture and Industries, to provide further for the formula and percentages of the distribution of the proceeds.

TOMMY CARTER
Chairman

And the bill, H. 710, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 506. To amend Section 14-1-1.2 of the Code of Alabama 1975, relating to the Department of Corrections, to require the consent of the Legislature before a current operational penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity whose purpose is to profit.

TOMMY CARTER
Chairman

And the bill, H. 506, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 713. Relating to insurance, to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with any Alabama institution of higher education for the administration of the examinations of life and disability insurance agents and brokers, and to allow the examination fees for the services to be paid directly to the testing institution in lieu of, but not in excess of, the fees set forth in Section 27-4-2, Code of Alabama 1975, by amending Section 27-8-7, Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 713, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 766. To amend Sections 9-17-25 and 40-20-2, Code of Alabama 1975, to further provide for a reduction in the rate of taxation of certain oil and gas wells.

TOMMY CARTER
Chairman

And the bill, H. 766, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 113. To allow an active and contributing member of the Teachers' Retirement System to purchase a certain amount of service credit in the system of time spent on maternity leave and to provide for a period of time for purchase of the service credit.

TOMMY CARTER
Chairman

And the bill, H. 113, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 734. To make conditional appropriations of \$125,000 each from the State General Fund in the State Treasury to the International Training Site Committee of Pell City, to Miles College, Jacksonville State University to the City of Cullman, and to Gadsden State Community College for the fiscal year ending September 30, 1996, to provide housing and training for visiting Olympic teams.

TOMMY CARTER
Chairman

And the bill, H. 734, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 732. Relating to Talladega County, to propose an amendment to the Constitution of Alabama of 1901, to establish the Talladega County Judicial Commission and provide for the filling of vacancies in the office of judge of the circuit court, judge of the district court, or district attorney.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Hill, Armistead, and Smith.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Hale, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 117. NAMING TOM DRAKE DRIVE IN CULLMAN COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the newly created road from U. S. Highway 31 North in Cullman County to County Road 1371 as "Tom Drake Drive," in honor of The Honorable Tom Drake, a member and former Speaker of the Alabama House of Representatives.

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers designating the newly created road as "Tom Drake Drive."

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 117, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Windom, Myers, and Lipscomb:

S.J.R. 125. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL LADY JACKET GOLF TEAM OF MOBILE, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 125, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 122. COMMENDING WILSON GONCE, ALEXANDER CITY'S MAN OF THE YEAR FOR 1995.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 122, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little and Adams:

S.J.R. 123. COMMENDING MARTHA BELVIN DIXON OF ANDALUSIA, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE ANDALUSIA/COVINGTON COUNTY COMMUNITY AND TO OTHERS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 123, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 124. MOURNING THE DEATH OF CAROLYN ANITA PLEASANTS EDEN.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 124, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 72. MEMORIALIZING THE GOVERNMENTAL AFFAIRS COMMITTEE OF THE SENATE AND THE STATE ADMINISTRATION OF THE HOUSE OF REPRESENTATIVES TO DEVELOP AND PROPOSE LEGISLATION TO ENSURE PROPER COMMUNICATION BETWEEN DEPARTMENTS AND AGENCIES.

WHEREAS, the Legislature notes with a sense of outrage that a lack of communication between the Department of Transportation and the Department of Revenue may cost taxpayers in Alabama upwards of 16 million dollars; and

WHEREAS, the Department of Transportation and the Department of Revenue failed to communicate and update each other on the status of a class action lawsuit involving interstate trucking companies where the court ordered the Department of Transportation to repay all fees paid by the truckers to the state during the period of September 1988 to September 1995; and

WHEREAS, the amount totaled 49 million dollars with interest accruing on this amount pending appeal of the lawsuit by the Department of Revenue; and

WHEREAS, if the two departments had properly communicated to each other and allowed the 49 million dollars to be placed in an escrow account pending appeal of the lawsuit, the state may have saved 16 million dollars instead of losing that amount; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the Governmental Affairs Committee of the Senate and the State Administration Committee of the House of Representatives to jointly investigate the miscommunication between the Department of Revenue and the Department of Transportation regarding the lawsuit and to develop and propose legislation to ensure proper communication between state departments and agencies.

BE IT FURTHER RESOLVED, That the two committees report their findings to both houses of the Legislature by the 27th legislative day of the 1996 Regular Session.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 72, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Waggoner:

S.J.R. 118. HONORING KATHLEEN FRANKLIN OF THE TOADVINE COMMUNITY OF JEFFERSON COUNTY, ALABAMA, ON THE OCCASION OF HER 85TH BIRTHDAY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 118, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Waggoner and Armistead:

S.J.R. 119. DESIGNATING A PORTION OF HIGHWAY 280 EAST IN SHELBY COUNTY A SCENIC STATE HIGHWAY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 119, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Waggoner:

S.J.R. 120. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE ON THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND STATEWIDE HEALTH COORDINATING COUNCIL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative study committee to study the operation and the certificate of need process of the State Health Planning and Development Agency and the Statewide Health Coordinating Council. The committee shall be composed of five members consisting of chairs of the Senate and House Health Committees and three members of the Alabama Legislature who shall be appointed as follows:

1. One member of the Senate to be appointed by the Governor.
2. One member of the Senate to be appointed by the presiding officer of the Senate.
3. One member of the House of Representatives to be appointed by the Speaker of the House of Representatives.

The committee shall study all facets of the certificate of need process of the State Health Planning and Development Agency and the Statewide Health Coordinating Council. The State Health Planning and Development Agency is requested not to approve an application for a certificate of need for beds for levels of care not currently addressed in the State Health Plan during the pendency of this study. The Lieutenant Governor shall set the first meeting of the committee within 30 days of the enactment of this resolution and at the first meeting of the committee, the committee shall select a chair.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions, and

recommendations to the Legislature not later than the first legislative day of the 1997 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, a member shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed two thousand dollars (\$2,000).

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 120, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Rogers (M):

H.R. 554. COMMENDING HUEY RAY BROWN ON A DISTINGUISHED CAREER IN EDUCATION.

Also:

By Representative Hall (L):

H.R. 555. HONORING THE MEMORY OF REVEREND V. CASTLE STEWART.

Also:

By Representative Hawkins:

H.R. 556. COMMENDING MISS AMANDA DARIANI OF VESTAVIA HILLS, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Hawkins:

H.R. 557. COMMENDING SCOTT BARRY OF VESTAVIA HILLS, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolution was introduced:

By Representative Carns:

H.J.R. 558. CREATING THE ELECTRIC ENERGY INTERIM STUDY COMMITTEE.

The resolution, H.J.R. 558, was read and referred to the Standing Committee on Rules.

Also:

By Representative Page:

H.J.R. 559. NAMING THE ACT BASED ON H.B. 453 OF THE 1996 REGULAR SESSION THE "PAT G. HARDEN ACT.

The resolution, H.J.R. 559, was read and referred to the Standing Committee on Rules.

S. 183 RESUMED

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, S. 183.

MOTION TO CARRY OVER OFFERED

Representative Sims offered the motion to carry over the bill, S. 183, and the pending amendment reported by the Standing Committee on Judiciary to the twenty-ninth legislative day.

MOTION TO TABLE LOST

The motion offered by Representative Box to table the motion offered by Representative Sims to carry over the bill, S. 183, and the pending committee amendment to the twenty-ninth legislative day was lost.

Yeas 32; Nays 38.

Yea:

Representatives Black (M), Box, Boyd, Collins, Dolbare, Drake, Dukes, Galliher, Graham, Guin, Hawk, Hayden, Hill, Hogan, Jackson, Maull, McClammy, McDaniel, Melton, Minnifield, Morrison, Newton (D), Page, Parker (P), Parker (T), Perdue, Rogers (J), Spratt, Starkey, Thomas (J), Vance and Venable.

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Nay:

Representatives Allen, Baker, Carns, Carothers, Clouse, Curry, Dean, Gaines, Hall (A), Hammett, Haney, Hawkins, Hilliard, Hinshaw, Johnson (R), McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend, Warren, White, Willis and Wren.

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MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Newton (D) to indefinitely postpone the bill, S. 183, and the pending committee amendment was lost.

Yeas 21; Nays 52.

Yea:

Representatives Bandy, Black (M), Drake, Dukes, Hall (L), Hayden, Hilliard, Holmes, Houston, Knight (J), McAdory, Melton, Minnifield, Mitchell, Newton (C), Newton (D), Page, Perdue, Rogers (J), Spratt and Starkey.

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Nay:

Representatives Allen, Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Johnson (R), McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend, Vance, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 877. Relating to Baldwin County; authorizing the sheriff to operate a jail store and a telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Also:

H. 897. Relating to Dale County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

Also:

H. 919. Relating to Barbour County; providing for the compensation of the Judge of Probate of Barbour County; repealing conflicting laws; and providing for effective dates.

Also:

H. 920. Relating to Barbour County; providing for an expense allowance and mileage for the coroner; and repealing Act No. 82-505, S. 532 of the 1982 Regular Session, (Acts 1982, p. 837) and Act No. 94-399, H. 736 of the 1994 Regular Session, (Acts 1994, p. 656).

Also:

H. 921. Proposing an amendment to the Constitution of Alabama of 1901, to provide for the compensation of the Judge of Probate of Barbour County on a salary basis.

Also:

H. 923. Relating to Elmore County; to amend Section 7 of Act 95-393, H. 591, 1995 Regular Session (Acts 1995, p. 800), providing for districts for fire protection and other related services and for the imposition of fees in the districts; to exclude any area within the corporate limits of the City of Prattville and any area in the police jurisdiction of the City of Prattville served by the City of Prattville; and to provide for retroactive effect to October 1, 1995.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 774. To alter or rearrange the boundary lines of the municipality of Spanish Fort, so as to include within the corporate limits of the municipal territory certain lands not already included therein; and to exempt for a period of twenty-five (25) years, the improvements and the signage presently on the property from any changes subsequently enacted by the City of Spanish Fort to the Building Codes ordinances and regulations, the signage codes, ordinances and regulations, electrical codes, or ordinances and regulations, mechanical codes, ordinances and regulations, and plumbing codes, ordinances and regulations, subject to certain specified conditions and limitations.

Also:

H. 794. Relating to Baldwin County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Baldwin County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

Also:

H. 808. Relating to Wilcox County; proposing an amendment to the Constitution of Alabama of 1901; to levy an additional 15-mill ad valorem tax.

Also:

H. 833. Relating to the selection of the chair of the Tallapoosa County Commission and designating the office of the chair a full-time position; providing further for the compensation of the chair of the county commission; providing for the termination of expense allowances payable to the chair; and to repeal Act No. 88-157, H. 142 of the 1988 Regular Session (Acts 1988, p. 248).

Also:

H. 851. Relating to Clarke County; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Clarke County Health Department to enforce littering laws in Clarke County; and to prescribe fines for violations.

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Also:

H. 852. Relating to Dale County; to amend Act No. 86-379, H. 578, 1986 Regular Session (Acts 1986, p. 565), authorizing and providing for the establishment, maintenance, operation, and financing of a public law library in the county; to increase the fee and further provide for the use of the funds.

Also:

H. 854. Relating to Chilton County; providing for additional costs and charges in all circuit and district court cases, excluding the small claims division and domestic relations division; providing for a monthly supervision fee in juvenile cases; providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county; and providing for the distribution of the funds.

Also:

H. 874. Relating to Marion County; to further amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.

McDOWELL LEE
Secretary

MOTION TO ADJOURN LOST

The motion offered by Representative Rogers (J) that the House adjourn until 9:00 o'clock a.m., Thursday, May 9, 1996, was lost.

Yeas 28; Nays 44.

Yea:

Representatives Allen, Baker, Bandy, Buskey, Drake, Ford, Hall (A), Haney, Hawkins, Hayden, Hilliard, Hinshaw, Holmes, Houston, Knight (J), Laird, Maull, McAdory, Melton, Morrow, Papucci, Parker (T), Rogers (J), Sanderson, Seibenhener, Townsend, Warren and White.

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Nay:

Representatives Black (M), Box, Boyd, Carothers, Clouse, Collins, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hill, Hogan, Johnson (R), Knight (A), Lindsey, McDaniel,

McMillan, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Parker (P), Payne, Pringle, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Turnham, Venable and Wren.

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S. 183 CARRIED OVER

The question was then on the motion offered by Representative Sims to carry over the bill, S. 183, and the pending amendment reported by the Standing Committee on Judiciary to the twenty-ninth legislative day and the motion to carry over was adopted.

Yeas 49; Nays 16.

Yea:

Representatives Baker, Carns, Curry, Dean, Drake, Gaines, Galliher, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (R), Lindsey, McKee, McMillan, Melton, Millican, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren, White and Wren.

-49

Nay:

Representatives Black (M), Box, Boyd, Carothers, Collins, Dolbare, Dukes, Graham, Maull, Minnifield, Morrow, Newton (D), Page, Parker (P), Perdue and Turnham.

-16

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 158. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity employs certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Dukes, the House concurred in and adopted the Senate amendment to the bill, H. 158, said Senate amendment being as follows:

Amend H. 158 on page 5, line 19 by deleting the figure "3" and inserting in lieu thereof the figure "1"

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-83

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 464. To amend Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28 of the Code of Alabama 1975, relating to the contractors licensing board; to further define the term general contractor; to provide for the licensing of subcontractors; to remove the requirement that the Governor may remove a board member at any time; to provide further for licensing fees, disciplinary procedures and fines, advertisements for bids, notice of meetings, compensation and expenses of members of the board, and certain allocations to public institutions of higher learning; and to provide for penalties.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON S. 464

We, the Committee of Conference appointed to reconcile the difference between the two houses concerning S. 464, have met, considered the matter, and agreed to the following:

Attached Substitute

Respectfully submitted,

DEWAYNE FREEMAN
CHARLES D. LANGFORD
B. DON HALE

Conferees on the part of the Senate

R. J. LAIRD
PETE TURNHAM
ALLEN SANDERSON

Conferees on the part of the House

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28 of the Code of Alabama 1975, relating to the contractors licensing board; to further define the term general contractor; to provide for the licensing of subcontractors; to remove the requirement that the Governor may remove a board member at any time; to provide further for licensing fees, disciplinary procedures and fines, advertisements for bids, notice of meetings, compensation and expenses of members of the board, and certain allocations to public institutions of higher learning; and to provide for penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28, Code of Alabama 1975, are amended to read as follows:

"§34-8-1.

"(a) For the purpose of this chapter, a "general contractor" is defined to be one who, for a fixed price, commission, fee or wage, undertakes to construct or superintend or engage in the construction, alteration, maintenance, repair, rehabilitation, remediation, reclamation, or demolition of any building, highway,

sewer, structure, site work, grading, paving or project or any improvement in the State of Alabama ~~or structure~~ where the cost of the undertaking is twenty thousand dollars (\$20,000) ~~\$20,000.00~~ or more, and ~~anyone who shall engage in the construction or superintending the construction of any structure or any undertaking or improvements above mentioned in the state of Alabama, costing \$20,000.00 or more,~~ shall be deemed and held to have engaged in the business of general contracting in the state of Alabama.

"(b) For the purpose of this chapter, a "general contractor" is defined to include one who, for a fixed price, commission, fee, or wage exceeding five thousand dollars (\$5,000) ~~\$5,000.00~~, undertakes to construct, superintend the construction of, repair, or renovate, any swimming pool, and anyone who shall engage in the construction, superintending of the construction, repair, or renovation of any swimming pool in the state of Alabama, where the cost of the undertaking exceeds five thousand dollars (\$5,000) ~~\$5,000.00~~, shall be deemed and held to have engaged in the business of general contracting in the state of Alabama and shall be subject to ~~the provisions of~~ this chapter.

"§34-8-2.

"(a) Any person desiring to be licensed or desiring a renewal of an existing license as a general contractor in this state shall make and file with the board, not less than 30 days prior to any regular ~~or special~~ meeting thereof, a written application on such a ~~may then be by the board~~ prescribed for examination by the board, ~~which and the~~ application shall be accompanied by \$200.00 three hundred dollars (\$300) for a new application or \$100.00 two hundred dollars (\$200) in case of a renewal. If a licensee fails to renew his or her license within 90 days following expiration of the previous license, a late penalty of \$50.00 fifty dollars (\$50) shall be collected, upon renewal, in addition to the renewal fee. The applicant shall apply for a license covering the type or types of contracts on which he or she wishes to perform, and the board shall classify contractors according to the type or types of contracts on which they may perform, within maximum bid limits, on the following basis: the applicant's request, his or her last annual financial statement prepared by a certified public accountant (C.P.A.), or by any independent licensed public accountant approved by the licensing board for general contractors, his or her previous experience, equipment, and the facts in each case. An applicant shall not be so classified as to permit him or her to bid on or to perform a type of work not included in his or her request for a license. If the application is satisfactory to the board, then the applicant may be required to take an examination to determine his or her qualifications. If the result of the examination of the applicant is satisfactory to the board, the board shall then issue to the applicant a certificate to engage in general contracting in the state of Alabama, stipulating in each license issued the type or types of work the contractor is permitted to bid on or to perform under his or her license and also setting out a letter symbol indicating the maximum limits on which he or she is permitted to bid or to perform in a single contract. The maximum bid limits shall be set by the formula of not more than 10 times either the net worth or working capital, whichever is the lesser amount, as shown by the applicant's latest financial

statement and designated in the classification set out herein that is the closest to this amount. Should the ~~applicant's~~ financial statement of the applicant fail to substantiate the limits requested, further consideration may be given to (1) the present market value in lieu of book value of listed assets when properly supported with substantiating evidence; and (2) a combined statement of the applicant that includes other wholly owned or substantially owned interests. When an applicant's statement qualifies for an amount in excess of classification "E"; the limits shall then be set as classification "~~U~~" Unlimited Unlimited or "U". The following letter symbols indicate the maximum amount bid limits allowed a licensee on any one single contract undertaking:

"A -- Not to exceed.....	\$ 100,000.00
"B -- Not to exceed.....	250,000.00
"C -- Not to exceed.....	500,000.00
"D -- Not to exceed.....	1,000,000.00
"E -- Not to exceed.....	3,000,000.00
"U -- Unlimited	

"(b) Any person failing to pass ~~such~~ the examination may be reexamined at any regular or called meeting of the board. The certificate of authority to engage in the business of general contracting in the state of Alabama shall expire on December 31 following its issuance or renewal and shall become invalid on that date unless renewed. Upon the renewal of a license, the board shall reclassify or confirm the license both as to the types of work and bid limits as specified in this section. A licensee may apply for and, on proof satisfactory to the board, may receive an increase in the amount of his or her bid limit or a change in his or her classification. Application for renewal of a license, together with the payment of a fee of ~~\$100.00~~ two hundred dollars (\$200), received by the board at least 30 days prior to expiration, shall serve to extend the current license until the board either renews the license or denies the application. At the discretion of the board, a limited license may be issued for a particular project.

"The sum or fee of ~~\$200.00~~ three hundred dollars (\$300) accompanying original applications and sum or fee of ~~\$100.00~~ two hundred dollars (\$200) accompanying applications for renewals under this section are for the administration and enforcement of ~~the provisions of~~ this chapter and shall not be refunded to the applicant.

"§34-8-4.

"(a) The board ~~shall have the disciplinary power to~~ may levy and collect an administrative fine of not less than ~~\$100.00~~ five hundred dollars (\$500) nor more than ~~\$500.00~~ five thousand dollars (\$5,000) for any licensee who violates any provision of this chapter or the rules and regulations of the board.

"(b) ~~The board shall have the additional power to~~ may also revoke the certificate of license of any general contractor licensed hereunder who is found guilty of any fraud or deceit in obtaining a license or gross negligence, incompetence or misconduct in the conduct of business. Any person may prefer charges of ~~such the~~ fraud, deceit, negligence, or misconduct against any general contractor licensed hereunder. ~~Such~~ The charges shall be in writing and sworn to by the complainant and submitted to the board. ~~Such~~ The charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within 90 days after the date on which they were preferred. The hearing shall be held at the office of the state licensing board for general contractors in Montgomery, Alabama. A copy of the charges, together with the notice of the time and place of hearing, shall be legally served on the accused by the secretary of the board, any sheriff in the state or by registered or certified mail, at least 10 days before the fixed date for the hearing; ~~and, in~~ . In the event that ~~such the~~ service cannot be effected 10 days before ~~such the~~ hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this the aforementioned condition. At said ~~the~~ hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him, her, or them and to produce evidence of witnesses in his, her, or their defense. If, after ~~said the~~ hearing, the board votes in favor of finding the accused guilty, the board shall revoke the license of the accused. The board may reissue a license to any person, firm, or corporation whose license has been revoked. The board shall immediately notify the secretary of state and the clerk of each incorporated city, town, or county in the state of its findings in the case of the revocation or of the reissuance of a revoked license. A certificate of license to replace any certificate lost, destroyed, or mutilated may be issued subject to the rules and regulations of the board.

"§34-8-6.

"(a) Any person, firm, or corporation not being duly authorized who shall engage in the business of general contracting in this state, except as provided for in this chapter, and any person, firm, or corporation presenting or attempting to file as its own the license certificate of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of license, or who falsely shall impersonate another, or who shall use an expired or revoked certificate of license, ~~and any person including an owner, architect or engineer who receives or considers a bid from anyone not properly licensed under this chapter,~~ shall be deemed guilty of a Class A misdemeanor and ~~shall for each such offense of for which he or she is convicted shall be punished, by a fine fined, or both, in accordance with Sections 13A-5-7 and 13A-5-12 of the Code of Alabama 1975 of not less than \$500.00 or imprisonment of six months, or both fine and imprisonment, in the discretion of the court.~~ Furthermore, any person including an owner, architect, or engineer who receives or considers a bid from anyone not properly licensed under this chapter shall be deemed guilty of a Class B misdemeanor and shall for each offense of which he or she is convicted be punished, fined, or both, in accordance with Sections 13A-5-7 and 13A-5-12 of the Code of Alabama 1975.

"(b) Every person, firm, or corporation licensed pursuant to this chapter shall include his or her license number in all construction contracts, subcontracts, bids, and proposals. Any person, firm, or corporation violating this provision shall be guilty of a Class B misdemeanor and shall for each offense of which he or she is convicted be punished, fined, or both, in accordance with Sections 13A-5-7 and 13A-5-12 of the Code of Alabama 1975.

"(c) In addition to or in lieu of the criminal penalties and administrative sanctions provided in this chapter, the board may issue an order to any person, firm, or corporation engaged in any activity, conduct, or practice constituting a violation of this chapter, directing the person, firm, or corporation to forthwith cease and desist from the activity, conduct, practice, or the performance of any work then being done or about to be commenced. The order shall be issued in the name of the State of Alabama under the official seal of the board. If the person, firm, or corporation to whom the board directs a cease and desist order does not cease or desist the proscribed activity, conduct, practice, or performance of work immediately, the board shall cause to issue in any court of competent jurisdiction and proper venue, a writ of injunction enjoining the person, firm, or corporation from engaging in any activity, conduct, practice, or performance of work as prohibited by this chapter. Upon showing by the board that the person, firm, or corporation has engaged or is engaged in any activity, conduct, practice, or performance of work prohibited by this chapter, the courts shall issue a temporary restraining order restraining the person, firm, or corporation from engaging in such unlawful activity, conduct, practice, or performance of work pending the hearing on a preliminary injunction, and in due course a permanent injunction shall issue after the hearing, commanding the cessation of the unlawful activity, conduct, practice, or performance of work complained of, all without the necessity of the board having to give bond. A temporary restraining order, preliminary injunction, or permanent injunction issued pursuant to this amendatory act shall not be subject to being released on bond. In the suit for an injunction, the board may demand of the defendant a fine of up to five thousand dollars (\$5,000) plus costs and attorney fees for each offense. A judgment for penalty, attorney fees, and costs may be rendered in the same judgment in which the injunction is made absolute. The trial of the proceeding by injunction shall be summary and by the trial judge without jury. Anyone violating this chapter who fails to cease work, after a hearing and notification from the board, shall not be eligible to apply for a contractor's license for a period not to exceed one year from the date of official notification to cease work. It shall be within the power of the board to withhold approval, for up to six months, of any application from anyone who prior to the application has been found in violation of this chapter.

"(d) The submission of the contractor's current license number before considering the bid shall be sufficient evidence to relieve the owner, architect, engineer, or awarding authority of any liability under this chapter.

~~"It is provided, however, that with respect to the letting and awarding of highway contracts under \$20,000.00, the highway director may issue proposal forms to consider bids from and award contracts to all bidders, licensed or~~

~~unlicensed, who fulfill the requirements set forth in chapters 1 and 2 of Title 30 of this Code.~~

"§34-8-7.

"(a) The following shall be exempted from ~~the provisions of this chapter:~~ the practice of general contracting, as defined in section 34-8-1, by an authorized representative or representatives of the United States government, state of Alabama, incorporated town, city, or county in this state, provided that such operation shall be under the supervision of a licensed architect or engineer; the construction of any residence or private dwelling; a subcontractor performing work under a properly licensed general contractor, except a subcontractor who contracts with a licensed general contractor for the purpose of continuing to work after having been found to be working illegally as an unlicensed general contractor, and a person, firm, or corporation constructing a building or other improvements on his, her, or its own property.

"(b) The aforementioned exemptions shall exclude a swimming pool contractor ~~whether he be a "general contractor" as defined in section 34-8-1(b) or a subcontractor.~~ Provided, however, a person, firm, or corporation constructing a swimming pool on his, her, or its own property shall be exempted from ~~the provisions of this chapter.~~

"§34-8-8.

"(a) All owners, architects, and engineers preparing plans and specifications for work to be contracted in ~~the state of Alabama pursuant to this chapter~~ shall include in their invitations to bidders, including but not limited to all public and private advertisements, and their specifications a copy of this chapter or ~~such the~~ portions thereof as are deemed necessary to convey to the invited bidder, whether he or she is a resident or nonresident of this state and whether a license has been issued to him or her or not, the information that it will be necessary for him or her to show evidence of license before his or her bid is considered. Any person including an owner, architect, or engineer who violates this section shall be guilty of a Class B misdemeanor and shall for each offense of which he or she is convicted be punished, fined, or both, in accordance with Sections 13A-5-7 and 13A-5-12 of the Code of Alabama 1975.

"(b) All owners, architects, and engineers receiving bids pursuant to this chapter shall require the person, firm, or corporation to include his or her current license number on the bid. The owner, architect, and engineer shall reject all bids that do not contain the current license number of the general contractor submitting the bid. All persons who violate this subsection shall be guilty of a Class C misdemeanor and shall for each offense for which he or she is convicted be punished, fined, or both, in accordance with Sections 13A-5-7 and 13A-5-12 of the Code of Alabama 1975.

"§34-8-9.

"Any person, firm, or corporation, upon making application to the building inspector or such other authority of any incorporated city, town, village, or county, in Alabama charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, grading, or any improvement or structure, where the cost thereof is ~~to be \$20,000.00~~ twenty thousand dollars (\$20,000) or more, shall, before he or she shall be entitled to the issuance of such permits, furnish satisfactory proof to ~~such~~ the inspector or authority that he or she is duly licensed under ~~the terms of this chapter, and it~~ . It shall be unlawful for ~~such~~ the building inspector or other authority to issue or allow the issuance of ~~such~~ the building permit unless and until the applicant has furnished evidence that he or she is either exempt from ~~the provisions of this chapter~~ or is duly licensed under this chapter to carry out or superintend the work for which permit has been applied; ~~and such~~ . The building inspector, or other ~~such~~ authority, violating the terms of this section shall be guilty of a Class C misdemeanor and shall for each offense of which he or she is convicted be punished in accordance with Sections 13A-5-7 and 13A-5-12 of the Code of Alabama 1975 ~~subject to a fine of not more than \$50.00.~~

"§34-8-20.

"In order to safeguard life, health, and property and to promote the general public welfare by requiring that only properly qualified persons be permitted to engage in general contracting, there shall be a state licensing board for general contractors, consisting of five members, who shall be appointed by the governor. Each of ~~said~~ the members shall be a general contractor, within the meaning of this chapter, with at least 10 years' experience in ~~such~~ the field as ~~such~~ a contractor. At least one member of ~~such~~ the board shall have as a larger part of his or her business the construction of highways. At least one member of ~~such~~ the board shall have as a larger part of his or her business the construction of public utilities. At least one member shall have as a larger part of his or her business the construction of buildings. The members of the board shall be appointed for one, two, three, four, and five years respectively, their terms of office expiring on December 31 of ~~said~~ those years. Thereafter, on the thirty-first day of December in each year the governor shall appoint to fill the vacancies caused by the expiration of the term of office a member for a term of five years. Each member shall hold over after the expiration of his or her term until his or her successor shall be duly appointed and qualified. If a vacancy shall occur ~~in~~ on the board for any cause, the ~~same~~ vacancy shall be filled by the appointment of the governor; ~~and the governor may remove any member of the board at any time, with or without cause.~~

"§34-8-22.

"When the governor appoints ~~said~~ the board, he or she shall designate and commission one of ~~its members~~ member as ~~chairman~~ the chairperson, another as ~~vice-chairman~~ vice-chairperson, and another as secretary-treasurer. ~~Said~~ The board shall have the power to may make ~~such~~ the bylaws, rules, and regulations as it shall deem best, provided the same shall not conflict with the laws of the state of Alabama. The secretary-treasurer shall give bond in ~~such~~ the sum as the board shall determine with ~~such~~ the surety as shall be approved; ~~said~~ . The bond

~~to shall~~ be conditioned upon the faithful performance of the duties of ~~his~~ the office and for the faithful accounting of all moneys and other properties as shall come into his or her hands. Each member of the board shall receive ~~\$50.00~~ two hundred dollars (\$200) per day for attending sessions of the board or its committees, and for time actually spent in necessary travel in attending meetings of ~~said~~ the board or its committees and in addition shall be reimbursed for necessary ~~traveling and clerical travel~~ travel expenses as are paid to state employees incurred in carrying out ~~the provisions of~~ this chapter. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, office rent, and supplies shall be paid out of the state licensing board for the general contractors' fund in the state treasury in the manner provided in section 34-8-25; provided, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of article 4 of chapter 4 of Title 41, and only in the amounts as stipulated in the general appropriation bill.

"§34-8-24.

"The board shall have four regular meetings in each year, one in January, one in April, one in July, and one in October, for the purpose of transacting ~~such~~ business as which may properly come before it, and as many special or adjourned meetings as the board may deem necessary, on call of the ~~chairman~~ chair of the board. Special or adjourned meetings may be held at ~~such~~ the time as the board ~~may provide by~~ provides in the bylaws ~~it shall adopt~~ or at ~~such~~ the time as the board may provide by reasonable resolution ~~provide~~. Due notice of each regular meeting and the time and place thereof shall be given to each member by mail at least one week prior to ~~said~~ the meeting. Three members of the board shall constitute a quorum.

"§34-8-28.

~~"(a) In addition to the fees required for application and renewal for certification and registration of general contractors in Section 34-8-2, all licensees shall pay a fee equal to \$100 at the time of application or renewal of licenses. The revenue derived from such additional fees shall be distributed by~~ An amount of one hundred dollars (\$100) from the fees required for application and renewal for certification and registration of general contractors in Section 34-8-2 of the Code of Alabama 1975 shall be distributed by the state licensing board for general contractors at the end of each ~~licensing period~~ fiscal year to all accredited public institutions of higher education offering American Council for Construction Education accredited courses in building science, and to all accredited public institutions of higher education offering courses in building science ~~who~~ which are in the candidate status of the American Council for Construction Education and to institutions of higher education offering courses leading to a bachelor of civil engineering degree which offers courses in highway engineering and construction at the undergraduate and graduate levels and whose civil engineering program is accredited by the Engineering Accreditation Commission of the Accreditation

Board for Engineering and Technology (ABET). Funds identified by the general contractors for building science shall be distributed pro rata among institutions based upon the number of full-time equivalent students enrolled in the department of building science at the institution. Funds identified by the general contractors for civil engineering shall be distributed pro rata among institutions based upon the number of full-time equivalent civil and pre-civil engineering students enrolled at the institution.

"(b) Revenue derived from the additional fees for all licenses will be distributed for (1) building science (general construction) purposes and (2) civil engineering (highway engineering and/or construction) purposes. Contractors shall be given an opportunity to select which program they want to support.

"Revenues derived from the additional fees for all licenses that are not specifically designated by contractors for one of the purposes above, shall be distributed between the programs defined in subsection (a) in a pro rata manner based on the number of full-time equivalent students enrolled in each program at each institution.

"(c) Each institution receiving funds pursuant to this article for building science purposes shall utilize ~~such~~ the funds for research projects relating to the construction industry, for faculty development, for program enhancement, and for continuing education programs related to construction. ~~Such~~ The funds shall be administered by a committee appointed by the dean responsible for the building science program, and shall include the head of the department of building science, or comparable position, faculty representatives, and representatives of the building science industry advisory committee of the institution.

"(d) Each institution receiving funds pursuant to this article for civil engineering purposes shall utilize ~~such~~ the funds to enhance activities in the highway engineering ~~and/or~~ construction area, or both. This includes but is not limited to scholarships, fellowships, research, faculty development, and continuing education. Funds pursuant to this article shall be administered by a committee appointed by the dean of engineering. The committee should undertake, as part of its mission, to work with the public and private sectors of the highway industry to encourage student participation in co-op and summer industry employment programs as well as to lead students toward career employment in the highway industry upon graduation.

"(e) Each institution receiving funds pursuant to this article shall provide to the board an annual report on or before January 31 for the preceding fiscal year during which the institution received the funds. This report shall disclose the total amount of funds received by the institution pursuant to this article and shall provide an accurate accounting for the utilization of the funds. The report shall disclose sufficient detail to demonstrate compliance with the utilization specifications prescribed in subsections (c) and (d). Responsibility for the reports shall be retained by the administrative committees formed pursuant to subsections (c) and (d) and the appointing dean thereof.

"(f) The board shall retain an amount of five percent of the amount to be distributed pursuant to subsection (a) as a fee for administrative expenses associated with the collection and distribution of the funds."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, SB 464, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE
Secretary

SENATE MESSAGE

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Turnham, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 464, said report being set out in the foregoing Message from the Senate.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 838. Relating to Dallas County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act.

Also:

H. 963. Relating to Elmore County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 976. Relating to Tuscaloosa County; to amend Section 11 of Act No. 328, H. 854 (1959 Regular Session), as amended by Act No. 1068, S. 940 (1973 Regular Session); to provide further for the percentage investments of the Fireman's and Policeman's Pensions and Relief Fund for the City of Tuscaloosa.

Also:

H. 977. To authorize the county commission of Monroe County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Monroe County, on all taxable property situated in Monroe County, the special ad valorem tax for necessary public buildings, bridges and roads which is authorized in Section 215 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.65 on each one hundred dollars (6.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy rate may be used only for the acquisition, construction, maintenance and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose; provided further, that (a) the levy of three of the additional mills shall be discontinued when all obligations issued by either the county or any public corporation issuing debt to construct a jail for lease to the county have been paid, and (b) the remaining one of the additional mills shall thereafter be used solely for the purpose of paying costs of operating and maintaining the jail.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

REGULAR SESSION
28th Day

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H. 931. Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

Also:

H. 956. Relating to Pike County, to establish the City of Troy Investment Trust Fund; to prescribe that the City of Troy shall place certain proceeds from the sale of Edge Regional Medical Center in the Investment Trust Fund; and to prescribe requirements for the management of the Investment Trust Fund.

Also:

H. 966. To provide additional revenue in the City of Eufaula to be used for the promotion of tourism and economic development within the city and county; levying a municipal privilege or license tax paralleling, at lower rate, state privilege or license tax on businesses of renting rooms, lodging or accommodations to transients as provided for in Chapter 26, Title 40, Code of Alabama 1975, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of all such taxes; to provide for a redistribution of the municipal lodging tax collected in the City of Eufaula; and prescribing penalties and fixing punishment for violation of this act.

Also:

H. 970. Relating to Lamar County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Also:

H. 974. Relating to Limestone County; to provide that the privilege tax imposed by Local Act No. 230, 1927 Regular Session (Local Acts 1927, p. 135), as amended by Local Act No. 98, Special Session 1936 (Local Acts 1936, p. 56), shall not apply to gasoline or motor fuel stored or sold for use in vehicles, equipment, and aircraft designed primarily for off-road use; to provide for retroactive application without refund obligation.

Also:

H. 975. Relating to the Town of Pollard in Escambia County; to designate certain railroad crossings in the town as public crossings.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, S. 244, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 244. (With Amendment): To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud, to provide further for definitions; to provide for the registration of charitable organizations with the Attorney General and to require a registration fee and bond for certain organizations and persons; to provide for the filing by charitable organizations of an annual written financial report and the filing of all contracts between charitable organizations and professional fund raisers or commercial co-venturers; to designate the Secretary of State as agent for service of process for nonresident charitable organizations and professional fund raisers; to alter the criminal penalties for charitable fraud; to eliminate certain absolute defenses to criminal prosecution; and to clarify the civil remedies available to the Attorney General, the district attorneys, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, S. 244, said committee amendment being as follows:

Amend S. 244 on Page 8, Line 12, after the word "alumni" strike the following language: ~~health care foundation~~ and insert in lieu thereof the following language: hospitals and healthcare associated foundations

AMENDMENT TABLED

On motion of Representative Gaines, the committee amendment was tabled.

Yeas 72; Nays 2.

Yea:

Mr. Speaker, Baker, Black (M), Box, Buskey, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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Nay:

Representatives Carns and Payne.

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And the bill S. 244, was read a third time at length and passed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P),

Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 226, was adopted.

Yeas 53; Nays 10.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Johnson (R), Knight (A), Laird, Lindsey, McDaniel, McMillan, Millican, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Pringle, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

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Nay:

Representatives Bandy, Buskey, Hall (L), Hilliard, Holmes, Houston, Knight (J), McAdory, Melton and Rogers (J).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 978. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, as amended by Act No. 96-24, H. 8, First Special Session 1996, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

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Also:

H. 979. Relating to Baldwin County; relating to the compensation and expense allowance for the Sheriff of Baldwin County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

McDOWELL LEE
Secretary

S. 226 TAKEN UP

And the bill:

S. 226. To amend Section 12-15-34 of the Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, to provide that a child charged with certain serious offenses whose juvenile case is transferred to criminal court shall not be granted youthful offender status.

was read a third time at length and passed.

Yeas 72; Nays 13.

Yea:

Mr. Speaker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Boyd, Hall (L), Hilliard, Holmes, Houston, Knight (J), McAdory, McClammy, Minnifield, Rogers (J) and Spratt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 379.

Yeas 58; Nays 13.

Yea:

Representatives Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Crigler, Curry, Dean, Drake, Fuller, Gaston, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (D), Papucci, Payne, Petelos, Pringle, Rogers (J), Sanderson, Smith, Spratt, Starkey, Thomas (J), Turner, Vance, Venable, Warren and Wren.

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Nay:

Representatives Black (L), Clouse, Collins, Gaines, Hall (A), Laird, Layson, McKee, McMillan, Penry, Sanderford, Sims and Thomas (D).

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 379.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Allen and Layson:

H.R. 560. MOURNING THE DEATH OF DAN THOMPSON OF WEST BLOCTON, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Parker (T), Allen, Melton, Hayden, Layson and Guin:

H.J.R. 561. COMMENDING JAMES H. FORD, JR., TUSCALOOSA, FOR DISTINGUISHED SERVICE TO THE MEDICAL COMMUNITY.

The resolution, H.J.R. 561, was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Representative Penry that the House adjourn until 9:00 o'clock a.m., Thursday, May 9, 1996, was lost.

Yeas 45; Nays 45.

Yea:

Representatives Allen, Baker, Black (L), Carns, Clouse, Curry, Dukes, Flowers, Galliher, Gipson, Hall (A), Hamilton, Hammett, Haney, Hayden, Hinshaw, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McKee, McMillan, Morrow, Morton, Newton (C), Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Townsend, Vance, Venable, White and Willis.

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Nay:

Representatives Bandy, Black (M), Box, Burke, Carter, Collins, Crigler, Dean, Dolbare, Drake, Fuller, Gaines, Gaston, Graham, Guin, Hawkins, Hill, Hilliard, Holmes, Hooper, Kennedy, Knight (J), Maul, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Murphree, Newton (D), Page, Parker (P), Parker (T), Perdue, Petelos, Rogers (J), Smith, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Warren and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 879. Relating to Henry County, providing further for additional costs and charges in all Juvenile Court cases, and providing for the establishment of a Juvenile Court Services Fund in the county and the distribution of such funds.

Also:

H. 938. Relating to Chambers County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; and providing for the disposition of proceeds.

Also:

H. 939. Relating to Chambers County; providing further for the use of certain funds accruing to the Sheriff's Work Release Fund.

Also:

H. 940. Relating to Chambers County; providing for the levy of an additional recording fee upon court documents filed for record with the judge of probate; and providing that the fee shall not apply to real property or U.C.C. instruments.

Also:

H. 942. Relating to Chambers County; to amend Section 2 of Act No. 1180, H. 2226, 1971 Regular Session, as amended, relating to the issuance of pistol permits by the sheriff, to provide further for the disposition of the fees.

Also:

H. 943. Relating to the City of Decatur in Morgan County and Limestone County; to amend Act No. 95-557, S. 595 1995 Regular Session (Acts 1995, p. 1164), altering and extending the corporate limits of the city, to further provide for the description.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 364. Relating to Hale County; to provide the collection and disposition of a special indexing fee.

Also:

H. 664. Relating to the City of Alabaster in Shelby County; to amend Section 5 of Act No. 93-493, H. 742 of the 1993 Regular Session (Acts 1993, p. 789), relating to the Personnel Director of the City of Alabaster; to provide that the personnel director would be appointed by the personnel board.

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Also:

H. 665. Relating to Shelby County; amending Act No. 87-768, 1987 Regular Session, which levies a lodgings tax in the county, to provide further for the collection of the tax.

Also:

H. 678. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax; and to repeal Act No. 95-371, H. 557 of the 1995 Regular Session, relating to the collection of the existing sales and use tax.

Also:

H. 679. Relating to Shelby County; to provide for an additional expense allowance for the board of equalization.

Also:

H. 700. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to fix, regulate, and alter the costs and charges of court in Houston County.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 954. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

Also:

H. 969. Relating to Shelby County; amending Sections 3, 4, and 6 of Act No. 88-389, H. 803 of the 1988 Regular Session (Acts 1988, p. 578), relating to the excise tax on certain tobacco products; allowing the Shelby County Commission to collect and distribute the tax; and allowing the affixing of stamps by the Shelby County Commission.

Also:

H. 983. Relating to Cherokee County; to amend Section 1 of Act No. 87-433 of the 1987 Regular Session (Acts 1987, p. 643), to increase the fee for the issuance of pistol permits deposited in the Sheriff's Law Enforcement Fund.

Also:

H. 985. Relating to Macon County; abolishing the office of constable.

Also:

H. 992. Relating to Etowah County; providing for costs to be imposed on each person incarcerated into the Etowah County jail; and providing for distribution of the revenues to be derived from the additional court costs.

Also:

H. 993. Relating to Etowah County; providing for additional compensation for the sheriff.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 283. Relating to Jefferson County; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to allow former members of the Pension System who withdrew from the Pension System under Section 13 of Act No. 497, of the Regular Session of the Legislature of Alabama of 1965, as amended, and who rejoined the System pursuant to Act No. 86-706, First Extraordinary Session of 1986, to become eligible to receive Factor No.3 of the Pension Benefit Formula for previous unpaid time, but excluding the period from the date of their withdrawal until January 3, 1987; to allow former members of the retirement system who withdrew from the System pursuant to Section 13 of said Act No. 497 and who did not rejoin the System pursuant to Act No. 86-706, a one-time opportunity to rejoin the System as new members with eligibility to receive Factor No. 3 of the Pension Benefit Formula but excluding the period from the date of their withdrawal until January 3, 1987; to prohibit certain new members who rejoined the System from converting any of the previous unpaid membership time to paid membership time for the Pension Benefit Formula; and to repeal Act No. 93-927 of the 1993 First Special Session of the Legislature.

Also:

H. 441. Relating to Jefferson County; to amend Act No. 929, S. 676 of the

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1951 Regular Session (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), relating to a pension system; to provide that employees of the Birmingham Emergency Management Communication District shall be included in the pension system.

Also:

H. 444. Relating to Jefferson County; amending Sections 1 and 2 of Act 89-702, H. 751 of the 1989 Regular Session (Acts 1989, p. 1397); to increase the number of county commission staff positions; and to provide that the additional positions are exempt from the merit system.

Also:

H. 457. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended; relating to a pension system for officers and employees of the County so as to provide for the termination of a factor of the benefit formula rate and to authorize the Pension Board to establish rules and regulations for such termination.

Also:

H. 779. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

Also:

H. 913. Relating to the Bessemer Division of the Tenth Judicial Circuit in Jefferson County, amending Act No. 90-202, H. 449, 1990 Regular Session so as to allow the Elected Assistant District Attorney to designate the level and step, at the time of appointment, of any appointed Deputy District Attorneys authorized by this act.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 949. Relating to the City of Birmingham in Jefferson County; to authorize

the Board of Managers of the City of Birmingham Retirement and Relief System to grant Ben Byrd a pension based upon extraordinary disability; and to award the pension if, in the judgment of the Board of Managers, the pension is required.

Also:

H. 998. Relating to Blount County, authorizing the county commission to collect taxes, licenses, and other fees and/or revenues currently being collected by the State Department of Revenue.

Also:

H. 999. Relating to Blount County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for operation, equipping, furnishing, and financing of a county jail.

Also:

H. 1012. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coosa County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

Also:

H. 1000. Relating to Blount County; authorizing the sheriff to operate a jail commissary and contract telephones for inmates, pay telephones, and vending machines located in the Blount County Law Enforcement Center; providing for the deposit of monies earned; and providing for the distribution and auditing of the funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 248. To amend Section 16-5-7 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to obtain specific information from each two-year and four-year public institution of higher education to establish a student unit record data system.

Also:

H. 590. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other

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forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

Also:

H. 947. Relating to Mobile County; to amend and reenact Act No. 161 of the 1957 Regular Session (Acts 1957, p. 210), which created the Water Works and Sewer Board of the City of Prichard; to change the name and provide for the employees' pension plan; to provide retirement credit for temporary total disability and provide for retirement of employees; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, and legalities to the fund; to provide for the appointment of trustees; and to provide penalties for violations.

Also:

H. 941. Relating to Chambers County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

McDOWELL LEE
Secretary

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolution mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:38 P.M. on May 8, 1996.

H. 152	H. 480
H. 835	H. 435
H. 928	H. 567
H. 389	H. 542
H. 94	H.J.R. 286

Delivered to the Secretary of State at 12:40 P.M. on May 8, 1996.

H. 499 (CONSTITUTIONAL AMENDMENT)

Delivered to the Governor at 1:50 P.M. on May 8, 1996.

H. 413

H. 589

H. 151

Delivered to the Governor at 4:35 P.M. on May 8, 1996.

H. 263

H. 420

H. 692

H. 186

H. 980

H. 639

H. 234

H. 490

H. 624

H. 390

H. 673

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Dolbare, the House adjourned until 9:00 o'clock a.m., Thursday, May 9, 1996.

Yeas 52; Nays 37.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Burke, Carns, Clark (W), Clouse, Collins, Curry, Dolbare, Dukes, Gaines, Galliher, Gipson, Hall (A), Hall (L), Hamilton, Haney, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, McAdory, McKee, McMillan, Minnifield, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Spratt, Townsend, Vance, Venable and Willis.

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Nay:

Representatives Black (M), Box, Carothers, Carter, Crigler, Dean, Flowers, Fuller, Gaston, Guin, Hawk, Hawkins, Hill, Knight (A), Knight (J), Lindsey, McClammy, McDaniel, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Perdue, Reed, Smith, Starkey, Thomas (D), Turner, Turnham, Warren, White and Wren.

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TWENTY-NINTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 9, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Pastor John Davis, Montgomery Full Ministry, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Will Stidham, 6th Grade, Central Baldwin Middle School, Loxley, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-eighth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-eighth legislative day was dispensed with.

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that the House recess from 12:00 o'clock Noon until 1:15 o'clock p.m. was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 546. URGING THE CONGRESS OF THE UNITED STATES TO PASS S. 1629, THE TENTH AMENDMENT ENFORCEMENT ACT OF 1996.

WHEREAS, the U. S. Congress, by its authority to regulate commerce among the states, has repeatedly preempted state laws, including those relating to health, welfare, transportation, communications, banking, environment, and civil justice, reducing the ability of state legislatures to be responsive to their constituents; and

WHEREAS, more than half of all federal laws preempting states have been enacted by Congress since 1969, intensifying an erosion of state power that leaves an essential part of our constitutional structure, federalism, standing precariously; and

WHEREAS, the United States Constitution anticipates that our American federalism will allow differences among state laws, expecting people to seek change through their own legislatures without federal legislators representing other states preempting states to impose national laws; and

WHEREAS, constitutional tension necessary to protect liberty arises from the fact that federal law is the supreme law of the land, while in contrast powers

not delegated to the federal government are reserved to the states or to the people; and that tension can exist only when states are not preempted and thus remain credible powers in the federal system; and

WHEREAS, less federal preemption means states can act as laboratories of democracy, seeking novel social and economic policies without risk to the nation; and

WHEREAS, S. 1629 of the current Congress is designed to create mechanisms for careful consideration of proposals that would preempt states in areas historically within their purview through procedural mechanisms in the legislative, executive, and judicial branches of government, namely:

In the Legislative branch, by requiring a statement of constitutional authority and an expression of the intent to preempt states;

In the Executive branch, by curbing agencies that may preempt beyond their legislative authority; and

In the Judicial branch, by codifying judicial deference to state laws where Congress is not clear in its intent to preempt; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge the U. S. Congress as follows:

That the congressional delegation of the State of Alabama cosponsor S. 1629 in order to show its support for a decisive role for states within the federal system;

That the Congress enact S. 1629, the Tenth Amendment Enforcement Act of 1996, in order to strengthen the political safeguards of federalism as anticipated under the Constitution; and

That the President of the United States sign S. 1629 as a means of ensuring full consideration of federalism principles within the exercise of executive powers.

RESOLVED FURTHER, That a copy of this resolution be provided to President Clinton and to each member of the Alabama Congressional Delegation.

On motion of Representative Carter, the resolution, H.R. 546, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 548. URGING THE CONGRESS OF THE UNITED STATES TO PASS S. 1629, THE TENTH AMENDMENT ENFORCEMENT ACT OF 1996.

WHEREAS, the U. S. Congress, by its authority to regulate commerce among the states, has repeatedly preempted state laws, including those relating to health, welfare, transportation, communications, banking, environment, and civil justice, reducing the ability of state legislatures to be responsive to their constituents; and

WHEREAS, more than half of all federal laws preempting states have been enacted by Congress since 1969, intensifying an erosion of state power that leaves an essential part of our constitutional structure, federalism, standing precariously; and

WHEREAS, the United States Constitution anticipates that our American federalism will allow differences among state laws, expecting people to seek change through their own legislatures without federal legislators representing other states preempting states to impose national laws; and

WHEREAS, constitutional tension necessary to protect liberty arises from the fact that federal law is the supreme law of the land, while in contrast powers not delegated to the federal government are reserved to the states or to the people; and that tension can exist only when states are not preempted and thus remain credible powers in the federal system; and

WHEREAS, less federal preemption means states can act as laboratories of democracy, seeking novel social and economic policies without risk to the nation; and

WHEREAS, S. 1629 of the current Congress is designed to create mechanisms for careful consideration of proposals that would preempt states in areas historically within their purview through procedural mechanisms in the legislative, executive, and judicial branches of government, namely:

In the Legislative branch, by requiring a statement of constitutional authority and an expression of the intent to preempt states;

In the Executive branch, by curbing agencies that may preempt beyond their legislative authority; and

In the Judicial branch, by codifying judicial deference to state laws where Congress is not clear in its intent to preempt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the U. S. Congress as follows:

That the congressional delegation of the State of Alabama cosponsor S. 1629 in order to show its support for a decisive role for states within the federal system;

That the Congress enact S. 1629, the Tenth Amendment Enforcement Act of 1996, in order to strengthen the political safeguards of federalism as anticipated under the Constitution; and

That the President of the United States sign S. 1629 as a means of ensuring full consideration of federalism principles within the exercise of executive powers.

RESOLVED FURTHER, That a copy of this resolution be provided to President Clinton and to each member of the Alabama Congressional Delegation.

On motion of Representative Carter, the resolution, H.J.R. 548, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 112. HONORING MIRIAM P. ZEIGLER FOR HER PROFESSIONAL ACHIEVEMENTS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 112.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 103. DIRECTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY AND PRESENT A PLAN CONCERNING RAIL/HIGHWAY GRADE CROSSINGS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 103.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

S.J.R. 78. CREATING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE RESTORATION AND REPAIR OF THE CABINS AND OTHER STRUCTURES BUILT BY THE CIVILIAN CONSERVATION CORPS DURING THE DEPRESSION.

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, said committee substitute being as follows:

CREATING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE RESTORATION AND REPAIR OF THE CABINS AND OTHER STRUCTURES BUILT BY THE CIVILIAN CONSERVATION CORPS DURING THE DEPRESSION.

WHEREAS, a significant part of the history of the State of Alabama during the years of the Depression includes the operation of the Civilian Conservation Corps and federal programs for the preservation of the natural resources that provided employment, literacy, and vocational skills to thousands in this state; and

WHEREAS, from 1933 to 1939, more than one hundred cabins, lodges, and other structures were built throughout the state parks in Alabama by the members of the Civilian Conservation Corps, and many of the beautiful rustic cabins and buildings are still standing as a tribute to the blood, sweat, and sacrifice of those members, but many are in need of repair or restoration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby establish the Joint Legislative Oversight Committee on the Restoration and Repair of the Cabins and Other Structures Built By the Civilian Conservation Corps, composed of the following membership: three members of the Alabama Senate appointed by the Lieutenant Governor and three members of the House of Representatives appointed by the Speaker of the House of Representatives. At its first meeting, the committee shall elect a chair and a vice-chair. The committee shall meet at the call of the chair. A majority of the membership of the committee shall constitute a quorum for conducting official business.

RESOLVED FURTHER, That the committee shall perform the following functions:

1. Consult with the Director of the Historical Commission, the Director of the Department of Tourism and Travel, and the Director of the State Parks Division of the Department of Conservation and Natural Resources to determine the feasibility and the extent of the restoration or repair of the cabins and other structures erected by the members of the Civilian Conservation Corps in our state parks, including maintaining the historical integrity of the buildings and materials, and to determine the economic feasibility and the financial return on tourism and recreation in our state.

2. Determine the state agency, department, or division best suited to be the coordinator for the restoration and repair.

3. Review all existing and potential sources of funding.

BE IT FURTHER RESOLVED, That the committee shall make its report to the Legislature by the fifth legislative day of the 1997 Regular Session, and, from time to time, as may be necessary until its final report no later than the fifth legislative day of the 1998 Regular Session, at which time the committee shall be dissolved and discharged of any further duties.

RESOLVED FURTHER, That upon the request of the chair or vice chair, the Secretary of the Senate and the Clerk of the House, respectively, shall provide the clerical assistance necessary for the work of the committee. The state agencies referred to in this resolution are urged to cooperate and assist the committee in its fact-finding and evaluation. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. The funds expended by this resolution shall not exceed five thousand dollars (\$5,000) per fiscal year. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

SUBSTITUTE ADOPTED

And the committee substitute was adopted.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, S.J.R. 78, as amended, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 43. COMMENDING CALVIN BINION, AN OUTSTANDING YOUNG ALABAMIAN.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 43.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 551. EXPRESSING THE INTENT OF THE LEGISLATURE THAT EXISTING JURISDICTIONS OF FIRE DISTRICTS NOT BE INFRINGED UPON BY EXPANDING POLICE JURISDICTIONS.

WHEREAS, there exists a conflict between municipal ordinances and existing general law as to the jurisdiction of existing fire districts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the Legislature that existing fire district jurisdictions established pursuant to general law shall not be infringed upon or altered by expanding municipal police jurisdictions.

On motion of Representative Carter, the resolution, H.J.R. 551, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 552. A RESOLUTION CREATING A JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COMMUNITY SERVICES GRANTS.

WHEREAS, the Legislature has the constitutional duty to appropriate and safeguard taxpayers' money; and

WHEREAS, the Legislature has recognized the need for community services programs; and

WHEREAS, the Legislature has recognized the purposes for which Alabama community services grants may be made in Code of Alabama 1975, Section 41-24-3 specifically as follows: 1) to enhance the education of the citizenry through activities, expenditures for capital improvements or equipment, that promote literacy, learning, arts appreciation, public health and mental health; 2) to promote activities that provide human and social services which reduce the hardships of old age, poor health or poverty; 3) to promote the marketability, yield or quality of Alabama-produced agricultural commodities; and 4) to promote the preservation, restoration, development and propagation of Alabama's natural resources, recreational facilities, environment, history, culture, transportation lanes, tourism, public safety, historic landmarks and buildings.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Oversight Committee on Community Services Grants. The committee shall consist of the Chair of the House Ways and Means Committee; the Chair of the Senate Finance and Taxation-Education Committee; the Chair of the Senate Committee on Economic Expansion and Trade; three members of the House Ways and Means Committee appointed by the Chair of the House Ways and Means Committee; one member of the Senate Finance and Taxation-Education Committee appointed by the Chair of the Senate Finance and Taxation-Education Committee; and one member of the Senate Committee on Economic Expansion and Trade appointed by the Chair of the Senate Committee on Economic Expansion and Trade. The State Superintendent of Education and State Finance Director shall serve in an advisory capacity. The committee shall hold its organizational meeting within thirty days after the adjournment of the 1996 Regular Session of the Legislature. The committee shall meet at the call of the Chair or any majority of members thereof; provided, that the committee shall meet at least once each four months. The committee shall exist through October, 1998 and may meet, act and conduct its business during the sessions of the Legislature or any recess thereof, and in the interim period between sessions.

BE IT FURTHER RESOLVED, That the Secretary of the Senate, the Clerk of the House of Representatives, the Legislative Reference Service, the Legislative Fiscal Office and the Examiners of Public Accounts shall provide any assistance as may be necessary at the committee's request. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated for the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chair; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session but they shall receive their travel expenses for all meetings attended. The maximum amount expended for the expenses of members of the committee under the provisions of this resolution shall not exceed ten thousand dollars (\$10,000) annually.

RESOLVED FURTHER, That it shall be the duty of the committee to review applications and approve any community services grants made from any funds appropriated to the committee by the Legislature for the purpose of awarding community services grants. The committee is hereby authorized to become a grant-making agency and to receive and distribute any appropriations made by the Legislature to the committee for the community service grant program pursuant to Chapter 24 of Title 41 of the Code of Alabama 1975, as amended. The committee shall evaluate grant proposals based on the relevance of such proposals to the purposes for which such grants shall be made; the extent to which such grant proposal advances the program objective(s) of the grant-making agency; the ability of the grant recipient to fulfill the objectives of the grant proposal; the extent to which the grant proposal can benefit the greatest number of citizens, without excluding any geographic regions of the state. All of the above information may

be ascertained by appropriate measures, which shall include interviews, audits, public hearings and recommendations by members of the Legislature.

RESOLVED FURTHER, That the committee shall make an annual report to members of the Legislature no later than the seventh legislative day of the 1997 and 1998 regular sessions detailing any and all community services grants awarded.

On motion of Representative Carter, the resolution, H.J.R. 552, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 559. NAMING THE ACT BASED ON H.B. 453 OF THE 1996 REGULAR SESSION THE "PAT G. HARDEN ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name the act based on H.B. 453 of the 1996 Regular Session the "Pat G. Harden Act."

On motion of Representative Carter, the resolution, H.J.R. 559, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 561. COMMENDING JAMES H. FORD, JR., TUSCALOOSA, FOR DISTINGUISHED SERVICE TO THE MEDICAL COMMUNITY.

WHEREAS, James H. Ford, Jr., President and Chief Executive Officer of DCH Health Care Authority, Tuscaloosa, Alabama, will retire on May 31, 1996, after 28 years of dedicated service; and

WHEREAS, Mr. Ford has held the positions of President and Chief Executive Officer of the authority since 1988; from 1969 to 1976, he was Assistant Administrator of Druid City Hospital; and from 1976 to 1988, he was Administrator of DCH Regional Medical Center; and

WHEREAS, James H. Ford, Jr., a native of Brown Field, Mississippi, earned his Bachelor of Science degree in accounting from Memphis State University and later earned his Master's Degree in Hospital Administration from St. Louis University; and

WHEREAS, James H. Ford, Jr., is past chair of the Alabama Hospital Association, and is a member of numerous affiliated organizations, including: Alabama Hospital Association Board of Trustees, Board of Trustees of Alabama Hospital Association Trust, Board of Directors of Blue Cross/Blue Shield of Alabama, West Alabama Hospital Council, West Alabama Emergency Medical Services Board of Directors, Alabama Association of Hospital Executives, American College of Health Care Executives; and in 1991, hospital and business administrative skills earned for him the prestigious "Gold Medal of Excellence Award" from the Alabama Hospital Association; and

WHEREAS, James H. Ford, Jr., has been a tireless worker in the hospital administration industry that has given him the admiration and respect of his peers, the medical staff and providers, and many patients during his years at Druid City Hospital DCH Regional Medical Center, and the DCH Health Care Authority, and he is a devout member of the First United Methodist Church in Tuscaloosa; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend Mr. James H. Ford, Jr., on his many contributions and outstanding accomplishments in his administrative and medical career during the last 28 years and in recognition of Mr. Ford's outstanding service to the Tuscaloosa community we direct that a copy of this resolution be provided for him so that he may know of our sincere regard and best wishes in retirement with his wife Peggy, their four children, and sixteen-month old grandson, Dylan.

On motion of Representative Carter, the resolution, H.J.R. 561, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 117. NAMING TOM DRAKE DRIVE IN CULLMAN COUNTY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 117.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 125. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL LADY JACKET GOLF TEAM OF MOBILE, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 125.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 122. COMMENDING WILSON GONCE, ALEXANDER CITY'S MAN OF THE YEAR FOR 1995.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 122.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 123. COMMENDING MARTHA BELVIN DIXON OF ANDALUSIA, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE ANDALUSIA/COVINGTON COUNTY COMMUNITY AND TO OTHERS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 123.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 124. MOURNING THE DEATH OF CAROLYN ANITA PLEASANTS EDEN.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 124.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 118. HONORING KATHLEEN FRANKLIN OF THE TOADVINE COMMUNITY OF JEFFERSON COUNTY, ALABAMA, ON THE OCCASION OF HER 85TH BIRTHDAY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 118.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 119. DESIGNATING A PORTION OF HIGHWAY 280 EAST IN SHELBY COUNTY A SCENIC STATE HIGHWAY.

SUBSTITUTE OFFERED

Representative McDaniel offered the following substitute to the resolution, S.J.R. 119:

DESIGNATING A PORTION OF HIGHWAY 280 EAST IN SHELBY COUNTY A SCENIC HIGHWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate that portion of Shelby County Highway 280 East, intersecting at a point in Shelby County near mile marker 14 on U.S. Highway 280, and proceeding on Shelby County Highway 280 East for a distance of 3.3 miles through the area known as The Narrows and terminating at the rejoining of Shelby County Highway 280 with U.S. Highway 280, as a Scenic Highway.

SUBSTITUTE ADOPTED

On motion of Representative McDaniel, the substitute was adopted.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, S.J.R. 119, as amended, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 120. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE ON THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND STATEWIDE HEALTH COORDINATING COUNCIL.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 120.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 114. COMMENDING THE COACHES CLUB FOR OUTSTANDING COMMUNITY SERVICE TO BAYOU LA BATRE.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 114.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to permit the Standing Committees to report later in the day.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 115. MOURNING THE DEATH OF SIDNEY J. IRBY, SR, OF MOBILE, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 115.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 91. MOURNING THE DEATH OF MARTHA ANN MARDRE SCOTT OF OPELIKA, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 91.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 92. MOURNING THE DEATH OF WILLIAM H. TAYLOR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 92.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 94. COMMENDING ROBERT A. COTHREN ON HIS DISTINGUISHED PROFESSIONAL CAREER.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 94.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hill, the rules were suspended in order to permit the Standing Committee on Banking to report later in the day.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 553. (With Substitute): To amend Sections 36-30-1 and 36-30-2 of the Code of Alabama 1975, to provide further for compensation for death and disability of certain firefighters and to provide that if a paid or volunteer firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 531. To amend Section 36-27-70 of the Code of Alabama 1975, to provide for certain public employees of state or local political subdivisions to purchase certain prior service credit in the Employees' Retirement System under certain conditions.

S. 641. To create two additional circuit judgeships in the Tenth Judicial Circuit, Birmingham Division, and an additional district judgeship for Jefferson County, Birmingham Division.

S. 650. To reappropriate, for fiscal years 1995-96 and 1996-97, all unexpended and unencumbered monies previously appropriated to the Education Technology Fund under Act 94-673 and the fiscal year 1994-95 appropriation made in Act 95-650; to reduce the fiscal year 1995-96 appropriation to the Education Technology Fund made in Act 95-650; to provide for the use of the reappropriated funds; and to provide for an effective date.

S. 370. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 24. To amend Section 12-11-30, Code of Alabama 1975, as last amended by Act No. 95-606 of the 1995 Regular Session, and Section 12-12-31, Code of Alabama 1975, to further provide for the dollar amount of the jurisdiction of the small claims docket of the district court.

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S. 222. To propose an amendment to Article XIV, Section 8, as amended by Amendment No. 37 of the Constitution of Alabama of 1901, as amended, to remove the prohibition against pleading guilty within 15 days of an information in a non-capital felony case.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 598. To amend Section 38-2-6 of the Code of Alabama 1975, to clarify the duty and responsibility of the Department of Human Resources to establish rules and standards for the inspection and approval of adult day care centers and adult day care homes with whom the Department of Human Resources contracts or otherwise agrees to purchase adult day care services.

S. 479. To amend Sections 34-37-1, 34-37-2, 34-37-6, 34-37-8 and 34-37-17, Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for certification of medical gas piping fitters; and to provide for penalties.

S. 393. Establishing the Community Notification Act; requiring the notification to law enforcement officers and certain residents of the state of the intended residence of a convicted sex offender; providing for the procedure and method of notification, and providing penalties for violations.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 191. Relating to insurance, to provide further for the regulation of insurance: By amending the standard valuation law, set forth in Section 27-36-7, Code of Alabama 1975, which sets forth the minimum requirements for the valuation of the reserves of life insurers so as to make it substantially similar to the latest version of the model standard valuation law as adopted by the National Association of Insurance Commissioners; by requiring every domestic insurer to file a report with the commissioner disclosing material acquisitions and dispositions of assets and material nonrenewals, cancellations, or revisions of ceded reinsurance agreements, not already required to be submitted to the commissioner, for review, approval, or information purposes pursuant to other insurance laws, regulations, or other requirements; and by setting forth a risk-based capital requirement based on the Risk-Based Capital for Insurers Model Act adopted by the National Association of Insurance Commissioners.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 452. Proposing an amendment to the Constitution of Alabama of 1901, to phase-out supernumerary programs for county ad valorem tax officials and to permit their participation in a retirement system.

The above bill was read a second time at length as required by the Constitution.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 437. Relating to municipal planning and zoning; to amend Section 11-52-3 of the Code of Alabama 1975, providing for the composition and powers of municipal planning commissions to further provide for the composition of the planning commissions in Class 8 municipalities; prohibiting a member of the planning commission from also serving as a member of the zoning board of adjustment; requiring all members of the planning commission to be residents and qualified electors of the city's planning jurisdiction rather than qualified electors of the city; providing for four-year terms, rather than the current six-year terms; providing further for the removal of members of the planning commission; to amend Section 11-52-8 of the Code of Alabama 1975, relating to the adoption of a master plan for the physical development of a municipality, to change the procedure from master plan to review and provide further for the documentation and contents of the plan; to amend Section 11-52-9 of the Code of Alabama 1975, to delete specific purposes and contents of the preparation of the master plan relating to the environment, traffic, distribution of the population and adequate public utilities, among other requirements, and providing for a comprehensive plan; to amend Sections 11-52-10 and 11-52-11 of the Code of Alabama 1975, relating to procedures for the adoption of the master plan, to require the municipal governing body to formally adopt any plan instead of the planning commission and provide for the commission to make its recommendations to the municipal governing body on the master plan; to amend Section 11-52-30 of the Code of Alabama 1975, to provide that the county engineer shall approve a map or plat of a subdivision prior to the recording or sale of property referenced to the map or plat and to provide that the county commission may under certain conditions waive the requirement; to amend Section 11-52-32 of the Code of Alabama 1975, relating to the approval or disapproval of the plat by the planning commission and the powers of the planning commission as to subdivision zoning generally, to provide further for the period in which the planning commission may approve or disapprove a plat, the minimum number of affirmative votes for approval by the planning commission, and deleting certain other procedures required of the planning commission for recommendations to the council on amendments to

zoning ordinances and maps of the territory within a subdivision; to amend Section 11-52-72 of the Code of Alabama 1975, relating to zoning, to further provide generally for the goals and purposes of zoning ordinances; to amend Section 11-52-80 of the Code of Alabama 1975, relating to the board of adjustment, to delete the power of the chair or acting chair to administer oaths and compel the attendance of witnesses, and providing further for the conditions upon which the board may grant a variance from the terms of an ordinance and providing other technical non-substantive corrections; to provide that certain local laws shall not be affected by this act; to repeal Sections 11-52-50 to 11-52-54, inclusive, Code of Alabama 1975, relating to reservation of lands in subdivisions for future acquisition for streets and the procedures therefor; and to repeal Section 11-52-79 of the Code of Alabama 1975, relating to the power of a municipality or town to appoint a zoning commission.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 516. (With Substitute): To amend Section 12-13-20, Code of Alabama 1975, relating to the compensation for salaried judges of probate of the respective counties of the state, to provide further for the basis of the salaries, based on the population of the respective counties of the state, and the extra compensation for certain judges of probate who have additional responsibility in the county; to provide for future increases in compensation; and to specify that this bill shall not affect the compensation of judges of probate who receive a greater annual salary.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 631. Relating to the selection of the chair of the Tallapoosa County Commission and designating the office of the chair a full-time position; providing further for the compensation of the chair of the county commission; providing for the termination of expense allowances payable to the chair; and to repeal Act No. 88-157, H. 142 of the 1988 Regular Session (Acts 1988, p. 248).

Representative Hall (A), Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 474. Relating to Madison County; exempting the Monrovia Parks and Recreation Association from the payment of all county and municipal sales and use taxes; and exempting all property owned and used by this organization from county and municipal ad valorem taxes.

S. 504. To propose an amendment to the Constitution of Alabama of 1901, authorizing, ratifying, validating, and confirming, from the date of the initial levy thereof, the levy and collection of all sales and use taxes levied pursuant to Act No. 82-525 in School District One in Madison County for public school purposes for which there has been a majority vote of the qualified electors of School District One in Madison County prior to January 1, 1996, regardless of any statutory or constitutional mistakes, defects, errors, or ambiguities in the authorization or levy thereof or its election thereon, unless being challenged by appropriate judicial proceedings on the date of adoption of this act.

The above bill was read a second time at length as required by the Constitution.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 741. To alter or rearrange the boundary lines of the Town of Taylor, Houston County, Alabama so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

S. 743. Relating to Marengo County; to amend further Act No. 183, S. 234, 1935 Regular Session (Local Acts 1935, p. 106), to provide that the members of the Marengo County Board of Education serve terms of six years with such terms phased in and staggered; to provide for the election of a president and vice-president of the board and to prescribe the powers and duties of the president; to provide for an expense allowance for members of the board; and to repeal Act No. 80-345, H. 955, 1980 Regular Session (Acts 1980, p. 467).

S. 744. Relating to Hale County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Hale County Commission to levy a two mill ad valorem tax for fire protection.

The above bill was read a second time at length as required by the Constitution.

S. 745. Relating to Calhoun County; to provide for the rehabilitation of certain persons convicted of any type crime and sentenced to a term of confinement in the Calhoun County jail or state prison; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; and to repeal all laws or parts of laws which conflict with this act.

S. 620. Relating to DeKalb County; providing for the levy of a special recording fee for certain documents filed in the Office of the Judge of Probate; and providing for the disposition of the fee.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 699. Relating to the Uniform Disposition of Unclaimed Property Act, to amend Sections 35-12-21, 35-12-22, 35-12-31, 35-12-32, 35-12-33, 35-12-34, 35-12-35, 35-12-36, 35-12-37, 35-12-38, 35-12-39, 35-12-40, 35-12-41, 35-12-42, 35-12-43, 35-12-44, 35-12-45, 35-12-46, and 36-17-3 of the Code of Alabama 1975, to transfer the duties related to the administration and enforcement of the provisions of the Uniform Disposition of Unclaimed Property Act from the Commissioner of Revenue to the State Treasurer; providing for an appropriation from the State General Fund; providing for a transfer of certain funds from the Department of Revenue to the State Treasurer; providing for a transitional period of up to six months after the effective date of this act in which to accomplish the transfer; and providing for a delayed effective date.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 432. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Russell County, Alabama.

Also:

H. 633. To amend Section 22-12C-5, Code of Alabama 1975; to revise the formula used to calculate civil monetary penalties for vendors who violate Women, Infants, and Children Nutritional Supplement (WIC) Program administrative rules; and to give WIC Program Director, administrative hearing officer, and others as designated by the State Health Officer authority to mitigate or settle adverse actions.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been

dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 453. To amend §16-1-18.1, Code of Alabama 1975, relating to sick leave accumulation for certain public education employees so as to establish further provisions relating to sick leave; to establish that an employee shall earn one sick leave day per month of contractual employment; to establish definitions; to establish on-the-job injury regulations; to provide for policies by certain education institutions; to repeal §16-1-18, Code of Alabama 1975, relating to sick leave for support personnel and to incorporate such provisions into this act; to repeal §21-1-21, Code of Alabama 1975, relating to sick leave for employees at the Alabama Institute for Deaf and Blind and to incorporate its provisions into this act; to repeal §16-12-21 and §16-8-25, Code of Alabama 1975, relating to vacations and leaves of absences and to incorporate the provisions into §16-1-18.1, Code of Alabama 1975; and to establish an effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 877. Relating to Baldwin County; authorizing the sheriff to operate a jail

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store and a telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Also:

H. 897. Relating to Dale County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

Also:

H. 919. Relating to Barbour County; providing for the compensation of the Judge of Probate of Barbour County; repealing conflicting laws; and providing for effective dates.

Also:

H. 920. Relating to Barbour County; providing for an expense allowance and mileage for the coroner; and repealing Act No. 82-505, S. 532 of the 1982 Regular Session, (Acts 1982, p. 837) and Act No. 94-399, H. 736 of the 1994 Regular Session, (Acts 1994, p. 656).

Also:

H. 923. Relating to Elmore County; to amend Section 7 of Act 95-393, H. 591, 1995 Regular Session (Acts 1995, p. 800), providing for districts for fire protection and other related services and for the imposition of fees in the districts; to exclude any area within the corporate limits of the City of Prattville and any area in the police jurisdiction of the City of Prattville served by the City of Prattville; and to provide for retroactive effect to October 1, 1995.

Also:

H. 774. To alter or rearrange the boundary lines of the municipality of Spanish Fort, so as to include within the corporate limits of the municipal territory certain lands not already included therein; and to exempt for a period of twenty-five (25) years, the improvements and the signage presently on the property from any changes subsequently enacted by the City of Spanish Fort to the Building Codes ordinances and regulations, the signage codes, ordinances and regulations, electrical codes, or ordinances and regulations, mechanical codes, ordinances and regulations, and plumbing codes, ordinances and regulations, subject to certain specified conditions and limitations.

Also:

H. 794. Relating to Baldwin County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Baldwin County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

Also:

H. 833. Relating to the selection of the chair of the Tallapoosa County Commission and designating the office of the chair a full-time position; providing further for the compensation of the chair of the county commission; providing for the termination of expense allowances payable to the chair; and to repeal Act No. 88-157, H. 142 of the 1988 Regular Session (Acts 1988, p. 248).

Also:

H. 851. Relating to Clarke County; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Clarke County Health Department to enforce littering laws in Clarke County; and to prescribe fines for violations.

Also:

H. 852. Relating to Dale County; to amend Act No. 86-379, H. 578, 1986 Regular Session (Acts 1986, p. 565), authorizing and providing for the establishment, maintenance, operation, and financing of a public law library in the county; to increase the fee and further provide for the use of the funds.

Also:

H. 854. Relating to Chilton County; providing for additional costs and charges in all circuit and district court cases, excluding the small claims division and domestic relations division; providing for a monthly supervision fee in juvenile cases; providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county; and providing for the distribution of the funds.

Also:

H. 874. Relating to Marion County; to further amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.

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Also:

H. 931. Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

Also:

H. 956. Relating to Pike County, to establish the City of Troy Investment Trust Fund; to prescribe that the City of Troy shall place certain proceeds from the sale of Edge Regional Medical Center in the Investment Trust Fund; and to prescribe requirements for the management of the Investment Trust Fund.

Also:

H. 966. To provide additional revenue in the City of Eufaula to be used for the promotion of tourism and economic development within the city and county; levying a municipal privilege or license tax paralleling, at lower rate, state privilege or license tax on businesses of renting rooms, lodging or accommodations to transients as provided for in Chapter 26, Title 40, Code of Alabama 1975, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of all such taxes; to provide for a redistribution of the municipal lodging tax collected in the City of Eufaula; and prescribing penalties and fixing punishment for violation of this act.

Also:

H. 970. Relating to Lamar County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Also:

H. 974. Relating to Limestone County; to provide that the privilege tax imposed by Local Act No. 230, 1927 Regular Session (Local Acts 1927, p. 135), as amended by Local Act No. 98, Special Session 1936 (Local Acts 1936, p. 56), shall not apply to gasoline or motor fuel stored or sold for use in vehicles, equipment, and aircraft designed primarily for off-road use; to provide for retroactive application without refund obligation.

Also:

H. 975. Relating to the Town of Pollard in Escambia County; to designate certain railroad crossings in the town as public crossings.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 838. Relating to Dalias County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act.

Also:

H. 963. Relating to Elmore County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 976. Relating to Tuscaloosa County; to amend Section 11 of Act No. 328, H. 854 (1959 Regular Session), as amended by Act No. 1068, S. 940 (1973 Regular Session); to provide further for the percentage investments of the Fireman's and Policeman's Pensions and Relief Fund for the City of Tuscaloosa.

Also:

H. 977. To authorize the county commission of Monroe County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to

increase the rate at which there is levied and collected by Monroe County, on all taxable property situated in Monroe County, the special ad valorem tax for necessary public buildings, bridges and roads which is authorized in Section 215 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.65 on each one hundred dollars (6.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy rate may be used only for the acquisition, construction, maintenance and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose; provided further, that (a) the levy of three of the additional mills shall be discontinued when all obligations issued by either the county or any public corporation issuing debt to construct a jail for lease to the county have been paid, and (b) the remaining one of the additional mills shall thereafter be used solely for the purpose of paying costs of operating and maintaining the jail.

Also:

H. 158. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity employs certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 978. Relating to Etowah County; to amend Act No. 95-284, H. 73, 1995 Regular Session, as amended by Act No. 96-24, H. 8, First Special Session 1996, levying a sales and use tax; and to further provide for the disposition of the proceeds of the revenue raised from the tax.

Also:

H. 979. Relating to Baldwin County; relating to the compensation and expense allowance for the Sheriff of Baldwin County; to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 808. Relating to Wilcox County; proposing an amendment to the Constitution of Alabama of 1901; to levy an additional 15-mill ad valorem tax.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced:

By Representative Sanderson:

H.J.R. 562. COMMENDING THE LEEDS HIGH SCHOOL OUTDOOR 4A TRACK TEAM ON ITS FOURTH CONSECUTIVE STATE TRACK CHAMPIONSHIP.

WHEREAS, the Leeds High School Outdoor 4A Track Team captured the state title for 1996, its fourth state annual high school outdoor 4A track championship in four consecutive years and its eighth state annual high school outdoor 4A track championship overall, and the team also has earned an astounding total of 176 team points - a state record; and

WHEREAS, the Leeds High School 4A Indoor Track Team earned the 1993 indoor championship and has placed second in state competition for three consecutive years; and

WHEREAS, the extraordinary athletes and superb coaching of Coach Brian Terry of Leeds High School have produced the dynamics necessary for track championships at the high school level over a sustained period, and the team boasts of three High School All-Americans and one Collegiate All-American in the prior five years; a few of the team athletes with incredible track achievements are four athletes from recent teams who are on collegiate track and field scholarships; Cantrell Gaddis, 1994 National Invitational Pentathlon Champion and All-American in hurdles and high jump; Marnell Mayfield, 1995 first nationally in triple jump; and Keith Nicholson ranked in the top five in the 1996 National Decathlon Competition; and

WHEREAS, all track athletes, coaching staff and personnel, as well as the spirit of the faculty and student body, and the support of the parents at Leeds High School have contributed immeasurably to the championship streak in 4A competition for indoor and outdoor high school track events, and that spirit and the extraordinary achievements in high school track have brought great distinctions to Leeds, the community, and nation and the honor of hosting the Regional Athletic Congress Championship Meet on the team's new Olympic-style track July 10-13, 1996; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we salute the athletes and the coaching staff, and especially Coach Brian Terry on the outstanding achievements of the 4A High School Indoor and Outdoor Track teams and their constant drive for excellence during the last five years and we commend the support of the school and community at Leeds for hosting the Regional Athletic Congress Championship Meet, and send our best wishes for success in future endeavors.

BE IT FURTHER RESOLVED, That we direct that appropriate copies be provided to Coach Brian Terry and to the school for appropriate presentation and display.

On motion of Representative Sanderson, the rules were suspended and the resolution, H.J.R. 562, was adopted.

Also:

By Representative Burke:

H.J.R. 563. COMMENDING LEGACY, INC. PARTNERS IN ENVIRONMENTAL EDUCATION FOR ADMINISTRATION OF THE ALABAMA EDUCATION FUND AND MARKETING OF THE ENVIRONMENTAL LICENSE TAG, AND URGING ADEM TO CONTINUE SUPPORT OF LEGACY.

WHEREAS, Legacy, Inc. Partners in Environmental Education Legacy is a charitable organization working to create environmentally responsible citizens by education, consciousness-raising, and marketing the Environmental License Tags for that purpose; and

WHEREAS, Legacy was created from the vision and zeal of the commission members and professional employees of the Alabama Department of Environmental Management pursuant to Act No. 92-622, 1992 Regular Session, and ever since Legacy has been the cornerstone in facilitating, developing, and implementing the overall environmental tag program into a successful venture for a broad-based partnership with balanced educational materials and programs for all our citizens; and

WHEREAS, Legacy administers the Environmental Education Fund with sound administration and fiscal soundness, and has worked diligently to recruit and involve volunteers at appropriate levels who care for our environment; and

WHEREAS, Legacy has caused the State of Alabama to be recognized as a national leader in quality, efficient development, and implementation of environmental education, materials, programs, and marketing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Legacy, Inc. Partners in Environmental Education on its outstanding accomplishments and urge the commission members and professional employees of the Alabama Department of Environmental Management to continue its strong support of Legacy and its endeavors with resources available from the Alabama Environmental Education Fund or other resources so that the programs of Legacy will continue to educate the citizens on environmental concerns.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Legacy, Inc. Partners in Environmental Education and the Alabama Department of Environmental Management so that they may know of our high praise.

On motion of Representative Burke, the rules were suspended and the resolution, H.J.R. 563, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 564. CONGRATULATING MR. AND MRS. JOHNNY MATTHEWS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 921. Proposing an amendment to the Constitution of Alabama of 1901, to provide for the compensation of the Judge of Probate of Barbour County on a salary basis.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 700. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to fix, regulate, and alter the costs and charges of court in Houston County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Newton (D), the Budget Isolation Resolution and the bill, S. 398, were temporarily carried over.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 364. Relating to Hale County; to provide the collection and disposition of a special indexing fee.

Also:

H. 664. Relating to the City of Alabaster in Shelby County; to amend Section 5 of Act No. 93-493, H. 742 of the 1993 Regular Session (Acts 1993, p. 789), relating to the Personnel Director of the City of Alabaster; to provide that the personnel director would be appointed by the personnel board.

Also:

H. 665. Relating to Shelby County; amending Act No. 87-768, 1987 Regular Session, which levies a lodgings tax in the county, to provide further for the collection of the tax.

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Also:

H. 678. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax; and to repeal Act No. 95-371, H. 557 of the 1995 Regular Session, relating to the collection of the existing sales and use tax.

Also:

H. 679. Relating to Shelby County; to provide for an additional expense allowance for the board of equalization.

Also:

H. 879. Relating to Henry County, providing further for additional costs and charges in all Juvenile Court cases, and providing for the establishment of a Juvenile Court Services Fund in the county and the distribution of such funds.

Also:

H. 938. Relating to Chambers County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; and providing for the disposition of proceeds.

Also:

H. 939. Relating to Chambers County; providing further for the use of certain funds accruing to the Sheriff's Work Release Fund.

Also:

H. 940. Relating to Chambers County; providing for the levy of an additional recording fee upon court documents filed for record with the judge of probate; and providing that the fee shall not apply to real property or U.C.C. instruments.

Also:

H. 942. Relating to Chambers County; to amend Section 2 of Act No. 1180, H. 2226, 1971 Regular Session, as amended, relating to the issuance of pistol permits by the sheriff, to provide further for the disposition of the fees.

Also:

H. 943. Relating to the City of Decatur in Morgan County and Limestone County; to amend Act No. 95-557, S. 595 1995 Regular Session (Acts 1995, p. 1164), altering and extending the corporate limits of the city, to further provide for the description.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 102. COMMENDING JEREMY SAYLOR AS PHI THETA KAPPA REGIONAL PRESIDENT FOR THE STATE OF ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 102.

BILLS ON THIRD READING RESUMED

S. 485 TEMPORARILY CARRIED OVER

On motion of Representative Newton (D), the bill, S. 485, was temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hayden, the Budget Isolation Resolution relating to the bill, S. 407, was adopted.

Yeas 26; Nays 0.

Yea:

Mr. Speaker, Black (M), Carter, Clouse, Dean, Gaines, Guin, Hammett, Haney, Hayden, Hill, Jackson, Lindsey, McClammy, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Seibenhener, Vance, Venable, Warren and Wren.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 407. Relating to Hale County; to provide the collection and disposition of a special indexing fee.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yea:

Mr. Speaker, Black (M), Carter, Clouse, Drake, Flowers, Gaines, Graham, Guin, Hammett, Hayden, Hill, Jackson, Lindsey, McClammy, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Seibenhener, Starkey, Vance, Venable, Warren and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Parker (T), the Budget Isolation Resolution and the bill, S. 591, were temporarily carried over.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 954. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

Also:

H. 969. Relating to Shelby County; amending Sections 3, 4, and 6 of Act No. 88-389, H. 803 of the 1988 Regular Session (Acts 1988, p. 578), relating to the excise tax on certain tobacco products; allowing the Shelby County Commission to collect and distribute the tax; and allowing the affixing of stamps by the Shelby County Commission.

Also:

H. 983. Relating to Cherokee County; to amend Section 1 of Act No. 87-433 of the 1987 Regular Session (Acts 1987, p. 643), to increase the fee for the issuance of pistol permits deposited in the Sheriff's Law Enforcement Fund.

Also:

H. 985. Relating to Macon County; abolishing the office of constable.

Also:

H. 992. Relating to Etowah County; providing for costs to be imposed on each person incarcerated into the Etowah County jail; and providing for distribution of the revenues to be derived from the additional court costs.

Also:

H. 993. Relating to Etowah County; providing for additional compensation for the sheriff.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, S. 738, was adopted.

Yeas 32; Nays 0.

Yea:

Mr. Speaker, Black (M), Carter, Clouse, Collins, Drake, Dukes, Gaines, Gipson, Guin, Hammett, Haney, Hawk, Hayden, Hill, Jackson, Knight (A), Layson, Lindsey, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Reed, Rogers (M), Starkey, Turnham and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 738. Relating to Tuscaloosa County; to amend Act No. 56, 1953 Regular Session, as amended by Act No. 94-554, 1994 Regular Session, (Acts, p. 1010), to further authorize the levy of sales and use taxes with respect to selling, storing, using, or otherwise consuming retail machines used in the mining, quarrying, compounding, processing, and manufacturing of tangible personal property.

was read a third time at length and passed.

Yeas 28; Nays 0.

Yea:

Mr. Speaker, Black (M), Carter, Clouse, Curry, Drake, Gaines, Guin, Hammett, Hawk, Hayden, Hill, Jackson, Knight (A), Layson, Lindsey, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Payne, Petelos, Starkey, Turnham, Venable and Warren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, S. 729, was adopted.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Carter, Clouse, Collins, Curry, Flowers, Gaines, Gipson, Guin, Hayden, Hill, Hogan, Jackson, Johnson (R), Kennedy, Knight (A), Layson, Lindsey, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Petelos, Reed, Rogers (M), Seibenhener, Sims, Thomas (D), Turnham, Venable, Warren, White and Willis.

-41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 729. Relating to Tuscaloosa County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

was read a third time at length and passed.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Carter, Clouse, Collins, Curry, Drake,

Flowers, Gaines, Gipson, Guin, Hayden, Hill, Hogan, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Petelos, Reed, Rogers (M), Sims, Starkey, Turner, Turnham, Venable, White and Willis.

-41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, S. 521, was adopted.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Black (M), Boyd, Carns, Carter, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Gipson, Guin, Hill, Hogan, Jackson, Knight (A), Layson, Lindsey, McClammy, McMillan, Millican, Minnifield, Morton, Murphree, Papucci, Payne, Petelos, Reed, Rogers (M), Starkey, Turnham and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 521. Relating to Choctaw County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector;

and providing that the substantive provisions of the act shall become effective on approval of the electors.

was read a third time at length and passed.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Black (M), Carns, Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hill, Jackson, Knight (A), Layson, Lindsey, McClammy, McMillan, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Reed, Rogers (M), Starkey, Turnham and Venable.

-35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, S. 660, was adopted.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Black (M), Boyd, Carns, Carter, Clouse, Collins, Curry, Dean, Drake, Gaston, Gipson, Guin, Hawkins, Hill, Hogan, Jorgensen, Knight (A), Lindsey, McClammy, McMillan, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sims, Smith, Spratt, Starkey, Vance, Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

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The Clerk reported that there was a quorum present.

And the bill:

S. 660. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

was read a third time at length and passed.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Black (M), Boyd, Carns, Carter, Clouse, Curry, Dean, Drake, Gaines, Gaston, Gipson, Graham, Guin, Hawkins, Hill, Hogan, Jorgensen, Knight (A), Lindsey, McClammy, McMillan, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Reed, Rogers (M), Sims, Smith, Spratt, Starkey and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 283. Relating to Jefferson County; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to allow former members of the Pension System who withdrew from the Pension System under Section 13 of Act No. 497, of the Regular Session of the Legislature of Alabama of 1965, as amended, and who rejoined the System pursuant to Act No. 86-706, First Extraordinary Session of 1986, to become eligible to receive Factor No.3 of the Pension Benefit Formula for previous unpaid time, but excluding the period from the date of their withdrawal until January 3, 1987; to allow former members of the retirement system who withdrew from the System pursuant to Section 13 of said Act No. 497 and who did not rejoin the

System pursuant to Act No. 86-706, a one-time opportunity to rejoin the System as new members with eligibility to receive Factor No. 3 of the Pension Benefit Formula but excluding the period from the date of their withdrawal until January 3, 1987; to prohibit certain new members who rejoined the System from converting any of the previous unpaid membership time to paid membership time for the Pension Benefit Formula; and to repeal Act No. 93-927 of the 1993 First Special Session of the Legislature.

Also:

H. 441. Relating to Jefferson County; to amend Act No. 929, S. 676 of the 1951 Regular Session (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), relating to a pension system; to provide that employees of the Birmingham Emergency Management Communication District shall be included in the pension system.

Also:

H. 444. Relating to Jefferson County; amending Sections 1 and 2 of Act 89-702, H. 751 of the 1989 Regular Session (Acts 1989, p. 1397); to increase the number of county commission staff positions; and to provide that the additional positions are exempt from the merit system.

Also:

H. 457. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended; relating to a pension system for officers and employees of the County so as to provide for the termination of a factor of the benefit formula rate and to authorize the Pension Board to establish rules and regulations for such termination.

Also:

H. 949. Relating to the City of Birmingham in Jefferson County; to authorize the Board of Managers of the City of Birmingham Retirement and Relief System to grant Ben Byrd a pension based upon extraordinary disability; and to award the pension if, in the judgment of the Board of Managers, the pension is required.

Also:

H. 998. Relating to Blount County, authorizing the county commission to collect taxes, licenses, and other fees and/or revenues currently being collected by the State Department of Revenue.

Also:

H. 999. Relating to Blount County; providing for additional court costs in civil

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and criminal cases in the county with the proceeds to be used for operation, equipping, furnishing, and financing of a county jail.

Also:

H. 1000. Relating to Blount County; authorizing the sheriff to operate a jail commissary and contract telephones for inmates, pay telephones, and vending machines located in the Blount County Law Enforcement Center; providing for the deposit of monies earned; and providing for the distribution and auditing of the funds.

Also:

H. 248. To amend Section 16-5-7 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to obtain specific information from each two-year and four-year public institution of higher education to establish a student unit record data system.

Also:

H. 590. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

Also:

H. 941. Relating to Chambers County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

Also:

H. 947. Relating to Mobile County; to amend and reenact Act No. 161 of the 1957 Regular Session (Acts 1957, p. 210), which created the Water Works and Sewer Board of the City of Prichard; to change the name and provide for the employees' pension plan; to provide retirement credit for temporary total disability and provide for retirement of employees; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, and legalities to the fund; to provide for the appointment of trustees; and to provide penalties for violations.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, S. 655, was adopted.

Yeas 45; Nays 0.

Yea:

Representatives Black (M), Boyd, Carns, Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hawkins, Hill, Hinshaw, Hogan, Jorgensen, Knight (A), Lindsey, McClammy, McMillan, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 655. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

was read a third time at length and passed.

Yeas 35; Nays 0.

Yea:

Representatives Black (M), Carns, Carter, Clouse, Curry, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hawkins, Hill, Hinshaw, Hogan, Jorgensen, Knight (A), Lindsey, McMillan, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Petelos, Rogers (M), Sims, Smith, Spratt, Thomas (D), Turner, Turnham, Venable and Willis.

-35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, S. 654, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Clouse, Collins, Curry, Dean, Drake, Gaines, Gipson, Guin, Hawkins, Hill, Hinshaw, Hogan, Jorgensen, Knight (A), Lindsey, McMillan, Minnifield, Moore, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 654. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

was read a third time at length and passed.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Clouse, Collins, Curry, Dean, Drake, Gaines, Galliher, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hinshaw, Hogan, Jorgensen, Knight (A), Lindsey, McClammy, McMillan, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Venable and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 1012. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coosa County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, S. 707, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Carns, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hamilton, Hawkins, Hill, Hinshaw, Hogan, Knight (A), Knight (J), Lindsey, McClammy, McMillan, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Venable and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 707. To amend Section 4 of Act No. 756, S. 861, 1975 Special Session (Acts 1975, p. 1536), to reopen the Employees' Retirement System of the City of Montgomery for purchase of credit in the system for certain prior service with the state.

was read a third time at length and passed.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Dean, Gaines, Gipson, Guin, Hawkins, Hayden, Hill, Hogan, Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Moore, Morton, Murphree, Page, Papucci, Payne, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Vance, Venable and Willis.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, S. 706, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Carns, Carothers, Clouse, Collins, Dean, Gaines, Gaston, Gipson, Guin, Hawk, Hawkins, Hayden, Hill, Hogan, Johnson (R), Jorgensen, Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Turnham, Warren and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 706. To authorize Baptist Medical Center situated in Montgomery County, Alabama, an Alabama nonprofit corporation and an affiliate of Baptist Health Services Corporation, to employ suitable persons as police officers; to specify the powers and jurisdiction of the police officers.

was read a third time at length and passed.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hogan, Holmes, Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Reed, Rogers (M), Sims, Smith, Spratt, Thomas (D), Vance, Venable, Warren, Willis and Wren.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 779. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

Also:

H. 913. Relating to the Bessemer Division of the Tenth Judicial Circuit in Jefferson County, amending Act No. 90-202, H. 449, 1990 Regular Session so as to allow the Elected Assistant District Attorney to designate the level and step, at the time of appointment, of any appointed Deputy District Attorneys authorized by this act.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Payne, the Budget Isolation Resolution and the bill, S. 488, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, S. 591, was adopted.

Yeas 26; Nays 0.

Yea:

Mr. Speaker, Black (M), Boyd, Carns, Clouse, Collins, Gipson, Hayden, Hill, Hinshaw, Hogan, Kennedy, Knight (A), Layson, Lindsey, Minnifield, Murphree, Parker (P), Payne, Reed, Rogers (M), Sanderson, Sims, Smith, Vance and Willis.

-26

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 591. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

was read a third time at length and passed.

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Yeas 40; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Clouse, Collins, Curry, Gipson, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hogan, Kennedy, Knight (A), Layson, Lindsey, McDaniel, Minnifield, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Turnham, Venable, Warren and Willis.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Willis to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, S. 652, was lost, lacking a four-fifths vote.

Yeas 6; Nays 2.

Yea:

Representatives Bandy, Boyd, Hall (L), Hogan, Rogers (M) and Willis.

- 6

Nay:

Representatives Hall (A) and Sims.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Willis to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, S. 709, was lost, lacking a four-fifths vote.

Yeas 3; Nays 1.

Yea:

Representatives Boyd, Rogers (M) and Willis.

- 3

Nay:

Representative Sims.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Representative Smith:

H.J.R. 565. COMMENDING THE JEMISON HIGH SCHOOL GIRLS TENNIS TEAM FOR OUTSTANDING ACCOMPLISHMENTS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors Chilton County's Jemison High School Girls' Tennis Team for winning the 1996 State Championship; and

WHEREAS, the extraordinary Lady Panthers, who finished 12 points ahead of second-place Cherokee County, is the first girls' tennis team of Jemison High School to win the state championship; and

WHEREAS, four members of the tennis teams won individual state championships and two doubles team won doubles state championships; and

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WHEREAS, these girls, who are expertly directed by Coach Sandra Sims and her staff, and who deserve special recognition, along with other team members, for their tremendous accomplishments and performance as Jemison High School Lady Panthers are: Kendall Hayes, Wendy Looney, Michelle Griffin, Emily Fernambucq, Sally Pitts, Samantha Pitts, and Marsha Jackson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the Jemison High School Girls' Tennis Team, the 1996 State Champions, and furthermore direct that copies of this resolution be provided as evidence of our pride and esteem.

On motion of Representative Smith, the rules were suspended and the resolution, H.J.R. 565, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 709. Relating to Houston County; assessing an additional fee for any criminal or misdemeanor case proceeding in circuit, district, or juvenile court; providing for the collecting and disbursing of such funds; and prescribing that the revenue collected pursuant to the provisions of this act shall be paid into the county treasury to be expended by the county for juvenile related purposes.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carothers, the House concurred in and adopted the Senate amendment to the bill, H. 709, said Senate amendment being as follows:

Amend H. 709 on Page 1, line 26, after the word "such" by adding court.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carothers, Clouse, Collins, Curry, Drake, Dukes, Flowers, Gaines, Guin, Hall (A), Hawk, Hayden, Hogan, Jorgensen,

Lindsey, McDaniel, Minnifield, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Petelos, Reed, Robinson, Sanderford, Smith, Spratt, Starkey, Thomas (J), Turnham, Warren and Willis.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H.R. 566. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty-Ninth legislative day, Thursday, May 9, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
S. 587 (By Windom)	31
Banking laws, mini-code, substantially revised, Numerous Secs. of Title 5 am'd., Secs. 5-19-32 added	
S. 255 (By Mitchell)	24
Mediation, mandatory prior to trial under cert. conditions, sanctions	
S. 194 (By Bedford)	23
Medical Liability Act, actions against health care providers, limited, Secs. 6-5-548, 6-5-549 am'd.	

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S. 9 (By Butler) 19

Statute of Limitations, prisoners sentenced to less than life, extension deleted, Sec. 6-2-8 am'd.

S. 35 (By Butler) 20

Statute of limitations for sheriffs, coroners, constables, and other public officers, 10-year statute to apply only to actions brought by st., Sec. 6-2-33 am'd.

S. 91 (By Bailey) 9

Real Estate Comm., public membs. added, notification re disposition of complaint req., Sunset recommendations, Secs 34-27-2, 34-27-7, 34-27-32, 34-27-35, 34-27-36 am'd.

S. 303 (By Hale) 18

Air Pollution Control Act, fines prescribed for violations, Sec. 22-28-22 am'd.

S. 207 (By Freeman) 4

Coin-operated games or devices provided for, penalties

S. 46 (By Figures) 13

Supernumerary judges, qualifications further defined, Sec. 12-17-40 am'd.

S. 613 (By Butler) 30

Income tax liability, businesses that may qualify, group expanded, refined oil and gas included, Sec. 40-9B-3 am'd.

S. 308 (By Freeman) 20

State Employee Suggestion Award Bd., Flexible Employees Benefit Bd., membership alt., Secs. 36-1-7, 36-29-22 am'd.

S. 203 (By Freeman) 9

Sales and use tax, co. comms. auth. to collect or contract for collection

S. 151 (By Biddle)	24
Coal, coke, and by-products, sales and use tax exempt, Secs. 40-23-4, 40-23-62 am'd.	
S. 126 (By Mitchell)	10
Voting machines, discontinuance of by city and co., alt., Sec. 17-9-5 am'd.	
S. 19 (By Hill)	11
Transient occupancy tax, summer camps exempt, Sec. 40-26-1 am'd.	
S. 265 (By Adams)	5
Prisons, possession or introduction of unlawful currency or coin contraband, Class B misdemeanor, Sec. 13A-10-38 am'd.	
S. 27 (By Adams)	10
Driver Training School License Act, schools operated by American Association of Retired Persons, exempt from, Sec. 32-14-5 am'd.	
S. 20 (By Waggoner)	3
Samford University, police officers, powers, Sec. 16-22-1 am'd.	
S. 245 (By Bedford)	21
Education, students with illegal drugs, alcohol, or deadly weapon, expelled for one school year, attendance of alternative school	
S. 119 (By Biddle)	14
Juvenile offenders, detaining of, procedure, alt., Secs. 12-15-53, 12-15-61, 12-15-71 am'd.	
S. 463 (By Bailey)	16
Juvenile ct., transfer of juvenile to adult ct. to include all lesser included offenses, Sec. 12-15-34 am'd.	

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S. 264 (By Adams) 15

Juvenile offenders, identification of, procedure alt., Secs. 12-15-100, 12-15-101, 12-15-102, 41-9-622, 41-9-623 am'd.

S. 164 (By Bailey) 14

Abuse orders, mandatory criminal penalty for a willful violation, Secs. 30-5-10, 30-5A-3 am'd.

S. 137 (By Butler) 18

Class A felony convictions in which a deadly weapon is used and serious physical injury results, defendant to serve entire sentence, Sec. 13A-5-6 am'd.

S. 391 (By Denton) 26

Tax assessors, collectors, revenue commissioners, min. comp. incr., fees incr., Secs. 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-6A-2, 40-7-19, 40-7-32, 40-10-27, 40-10-29 am'd.

S. 713 (By Lindsey) 35

Employees' Retirement System, purchase of prior service credit in office of dist. atty., auth.

S. 580 (By Clay) 22

Tuskegee Airmen Commission, estab., bd., executive director provided, tax exempt

S. 267 (By Bedford) 15

Child custody, cts. may award jt. custody when in best interests of child, ensure equal access to child's records

S. 217 (By Windom) 6

Uniform Commercial Code, Bulk Transfers Article, repealed, Secs. 7-6-101, 7-6-102, 7-6-103, 7-6-104, 7-6-105, 7-6-107, 7-6-108, 7-6-109, 7-6-110, 7-6-111 repealed

SUBSTITUTE OFFERED

Representative Hall (A) offered the following substitute to the resolution, H.R. 566:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twenty-Ninth legislative day, Thursday, May 9, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
S. 587 (By Windom)	31
Banking laws, mini-code, substantially revised, Numerous Secs. of Title 5 am'd., Secs. 5-19-32 added	
S. 255 (By Mitchell)	24
Mediation, mandatory prior to trial under cert. conditions, sanctions	
S. 194 (By Bedford)	23
Medical Liability Act, actions against health care providers, limited, Secs. 6-5-548, 6-5-549 am'd.	
S. 9 (By Butler)	19
Statute of Limitations, prisoners sentenced to less than life, extension deleted, Sec. 6-2-8 am'd.	
S. 35 (By Butler)	20
Statute of limitations for sheriffs, coroners, constables, and other public officers, 10-year statute to apply only to actions brought by st., Sec. 6-2-33 am'd.	
S. 303 (By Hale)	18
Air Pollution Control Act, fines prescribed for violations, Sec. 22-28-22 am'd.	
S. 207 (By Freeman)	4
Coin-operated games or devices provided for, penalties	
S. 46 (By Figures)	13
Supernumerary judges, qualifications further defined, Sec. 12-17-40 am'd.	

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S. 613 (By Butler)	30
Income tax liability, businesses that may qualify, group expanded, refined oil and gas included, Sec. 40-9B-3 am'd.	
S. 308 (By Freeman)	20
State Employee Suggestion Award Bd., Flexible Employees Benefit Bd., membership alt., Secs. 36-1-7, 36-29-22 am'd.	
S. 203 (By Freeman)	9
Sales and use tax, co. comms. auth. to collect or contract for collection	
S. 151 (By Biddle)	24
Coal, coke, and by-products, sales and use tax exempt, Secs. 40-23-4, 40-23-62 am'd.	
S. 126 (By Mitchell)	10
Voting machines, discontinuance of by city and co., alt., Sec. 17-9-5 am'd.	
S. 19 (By Hill)	11
Transient occupancy tax, summer camps exempt, Sec. 40-26-1 am'd.	
S. 265 (By Adams)	5
Prisons, possession or introduction of unlawful currency or coin contraband, Class B misdemeanor, Sec. 13A-10-38 am'd.	
S. 27 (By Adams)	10
Driver Training School License Act, schools operated by American Association of Retired Persons, exempt from, Sec. 32-14-5 am'd.	
S. 20 (By Waggoner)	3
Samford University, police officers, powers, Sec. 16-22-1 am'd.	

S. 245 (By Bedford)	21
Education, students with illegal drugs, alcohol, or deadly weapon, expelled for one school year, attendance of alternative school	
S. 119 (By Biddle)	14
Juvenile offenders, detaining of, procedure, alt., Secs. 12-15-53, 12-15-61, 12-15-71 am'd.	
S. 264 (By Adams)	15
Juvenile offenders, identification of, procedure alt., Secs. 12-15-100, 1-15-101, 12-15-102, 41-9-622, 41-9-623 am'd.	
S. 137 (By Butler)	18
Class A felony convictions in which a deadly weapon is used and serious physical injury results, defendant to serve entire sentence, Sec. 13A-5-6 am'd.	
S. 391 (By Denton)	26
Tax assessors, collectors, revenue commissioners, min. comp. incr., fees incr., Secs. 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-6A-2, 40-7-19, 40-7-32, 40-10-27, 40-10-29 am'd.	
S. 713 (By Lindsey)	35
Employees' Retirement System, purchase of prior service credit in office of dist. atty., auth.	
S. 580 (By Clay)	22
Tuskegee Airmen Commission, estab., bd., executive director provided, tax exempt	
S. 267 (By Bedford)	15
Child custody, cts. may award jt. custody when in best interests of child, ensure equal access to child's records	
S. 217 (By Windom)	6
Uniform Commercial Code, Bulk Transfers Article, repealed, Secs. 7-6-101, 7-6-102, 7-6-103, 7-6-104, 7-6-105, 7-6-107, 7-6-108, 7-6-109, 7-6-110, 7-6-111 repealed	

MOTION TO TABLE LOST

The motion offered by Representative Carter to table the substitute offered by Representative Hall (A) to the resolution, H.R. 566, was lost.

Yeas 22; Nays 31.

Yea:

Mr. Speaker, Black (M), Box, Carns, Clouse, Collins, Ford, Hammett, Hawkins, Hogan, Knight (A), Lindsey, McAdory, McKee, Moore, Newton (C), Perdue, Reed, Rogers (J), Sanderson, Townsend and Venable.

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Nay:

Representatives Allen, Dean, Dolbare, Drake, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hill, Hinshaw, Jorgensen, McDaniel, Millican, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Robinson, Rogers (M), Sanderford, Sims, Smith and Turnham.

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SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Hall (A) to the resolution, H.R. 566, and the substitute was adopted.

Yeas 40; Nays 0.

Yea:

Representatives Allen, Black (L), Carns, Dean, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hall (A), Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Jorgensen, Knight (A), McDaniel, Millican, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Turnham, White and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.R. 566, as amended, was adopted.

Also:

By Representative Haney:

H.R. 567. AMENDING THE RULES OF THE HOUSE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House are hereby amended to read as follows:

After Rule 73, add the following new rule and renumber the subsequent rules:

Any bill submitted to the Ways and Means Committee for exemption of state, county or municipal taxes will be denied a favorable report unless 4/5 of the voting members approve the bill.

The motion offered by Representative Haney to adopt the resolution, H.R. 567, was lost.

Yeas 14; Nays 63.

Yea:

Representatives Clouse, Dolbare, Haney, Knight (J), McClammy, McKee, Moore, Newton (C), Papucci, Parker (P), Sanderford, Sanderson, Seibenhener and Sims.

-14

Nay:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Payne, Perdue, Pringle, Reed, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance and Venable.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 226. To amend Section 12-15-34 of the Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, to provide that a child charged with certain serious offenses whose juvenile case is transferred to criminal court shall not be granted youthful offender status.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 464. To amend Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28 of the Code of Alabama 1975, relating to the contractors licensing board; to further define the term general contractor; to provide for the licensing of subcontractors; to remove the requirement that the Governor may remove a board member at any time; to provide further for licensing fees, disciplinary procedures and fines, advertisements for bids, notice of meetings, compensation and expenses of members of the board, and certain allocations to public institutions of higher learning; and to provide for penalties.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after

the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 244. To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud, to provide further for definitions; to provide for the registration of charitable organizations with the Attorney General and to require a registration fee and bond for certain organizations and persons; to provide for the filing by charitable organizations of an annual written financial report and the filing of all contracts between charitable organizations and professional fund raisers or commercial co-venturers; to designate the Secretary of State as agent for service of process for nonresident charitable organizations and professional fund raisers; to alter the criminal penalties for charitable fraud; to eliminate certain absolute defenses to criminal prosecution; and to clarify the civil remedies available to the Attorney General, the district attorneys, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Morrison:

H.R. 568. COMMENDING COOPER TOOLS, INC., FOR OUTSTANDING PARTNERSHIP WITH THE CULLMAN COUNTY AREA VOCATIONAL SCHOOL PROGRAM.

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Also:

By Representative Hammett:

H.R. 569. COMMEMORATING THE LIFE AND SERVICE OF MALCOMB L. SENN, SR., OF OPP, ALABAMA.

Also:

By Representatives Hall (A), Hinshaw, Sanderford, Jorgensen, Papucci, Haney and Hall (L):

H.R. 570. COMMENDING TILLMAN DENTON HILL ON THE OCCASION OF HIS 64TH BIRTHDAY.

MOTION TO RECONSIDER LOST

Having voted on the prevailing side, Representative Hill offered the motion to reconsider the vote by which the resolution, H.R. 567, was lost and the motion to reconsider was lost.

Yeas 33; Nays 48.

Yea:

Representatives Allen, Baker, Carns, Clouse, Curry, Dolbare, Dukes, Hall (A), Haney, Hawkins, Hill, Hinshaw, Knight (A), Laird, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Sanderford, Sanderson, Seibenhener, Sims, Townsend and Willis.

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Nay:

Representatives Bandy, Black (L), Box, Buskey, Carothers, Carter, Collins, Dean, Drake, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hayden, Hilliard, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Layson, McAdory, McClammy, Melton, Millican, Newton (D), Pringle, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren and White.

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SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, S. 587, was adopted.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Newton (D).

- 1

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Hill, the Budget Isolation Resolution and the bill, S. 587, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, S. 255, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, Millican, Moore, Morrow, Morton, Murphree,

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Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

S. 255. (With Amendment): Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, S. 255, said committee amendment being as follows:

Amend S. 255 on Page 3, line 4 by striking the word "statutory".

Further amend the bill on Page 3, line 5 by striking the word "statutory".

Further amend the bill on Page 3, after line 6 by adding a new subsection (h) as follows:

"(h) A court shall not order parties into mediation in any action involving child support, adult protective services or child protective services wherein the Department of Human Resources is a party to said action."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 255, as amended, was read a third time at length and passed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 709. Relating to Houston County; assessing an additional fee for any criminal or misdemeanor case proceeding in circuit, district, or juvenile court; providing for the collecting and disbursing of such funds; and prescribing that the revenue collected pursuant to the provisions of this act shall be paid into the county treasury to be expended by the county for juvenile related purposes.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, S. 194, was adopted.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Dolbare.

- 1

And the bill:

S. 194. To amend Sections 6-5-548 and 6-5-549, Code of Alabama 1975; to further provide for similarly situated health care providers; to prohibit discovery of the limits of liability insurance coverage in certain legal actions against health care providers; to provide which health care providers may testify as specialists; and to require that a jury shall be reasonably satisfied by substantial evidence that the standard of care was breached and that the breach caused the injury before returning a verdict against a health care provider.

was read a third time at length and passed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton,

Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Johnson (E) intended to vote "Yea" on passage of the bill, S. 194.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, S. 9, was adopted.

Yeas 81; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 9. To amend Section 6-2-8, Code of Alabama 1975, which relates to the extension of the time for the commencement of certain civil actions; actions for entry upon land; or defenses based on title to real property, to remove the extended period of time allowed for the commencement of a civil action by certain persons imprisoned on a criminal charge for a term less than life.

was read a third time at length and passed.

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Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, S. 35, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-75

And the bill:

S. 35. To amend Section 6-2-33 of the Code of Alabama 1975, which provides for the statute of limitations for certain civil actions against sheriffs, coroners, constables, and other public officers for nonfeasance, misfeasance and malfeasance in office, to further provide that the statutory period for action against the officers would apply only to actions brought by or on behalf of the State of Alabama, a county, a municipality, or other political subdivision of the state; and to provide an effective date.

was read a third time at length and passed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, S. 303, was adopted.

Yeas 77; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, White and Willis.

-77

And the bill:

S. 303. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

was read a third time at length and passed.

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Yeas 81; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, S. 207, was adopted.

Yeas 78; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, White, Willis and Wren.

-78

Nay:

Representatives Dolbare and Hamilton.

- 2

And the bill:

S. 207. To provide for the operation and use of coin-operated games or

devices designed and manufactured for bona fide amusement purposes and provide penalties for violations.

was read a third time at length and passed.

Yeas 50; Nays 18.

Yea:

Mr. Speaker, Baker, Box, Buskey, Carothers, Clouse, Crigler, Curry, Dean, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), McAdory, McClammy, McMillan, Melton, Minnifield, Morton, Newton (C), Page, Parker (T), Petelos, Pringle, Rogers (J), Rogers (M), Sims, Spratt, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-50

Nay:

Representatives Allen, Carns, Clark (W), Collins, Dolbare, Guin, Hamilton, Laird, Layson, McKee, Millican, Morrison, Morrow, Murphree, Parker (P), Payne, Smith and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 192. To provide for elective course credit for certain public high school students who participate in YMCA Youth and Government programs.

Also:

H. 603. To add a new Section 40-18-35(a)(15), Code of Alabama 1975, to provide for a dividends received deduction for certain dividends received or deemed received by corporations commercially domiciled outside Alabama; and to provide an effective date.

Also:

H. 368. To amend Section 22-52-1.2 of the Code of Alabama 1975, relating to mental health and mental retardation; to provide for the exclusion of the home address and the telephone number of the petitioner from the copy of the petition

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seeking involuntary commitment provided to the respondent with exceptions.

Also:

H. 907. To amend Section 16-11-2 of the Code of Alabama 1975, to provide that only one classroom teacher may serve as a member of the Board of Education of the City of Attalla.

Also:

H. 930. To amend Section 40-14-70, Code of Alabama 1975, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 495. To amend Section 11-41-1 of the Code of Alabama 1975, relating to the authority and petition for an unincorporated community to incorporate, to provide further for the special procedures in counties having a population of 600,000 or more.

Also:

H. 527. To exempt the Franklin Memorial Clinic, Inc., from municipal gross receipts taxes and municipal business license taxes.

Also:

H. 736. Relating to the City of Arab in Cullman and Marshall Counties; terminating a certain sales tax on a certain date.

Also:

H. 778. Relating to Morgan County; to repeal Act No. 191, H. 743, 1977 Regular Session (Acts 1977, p. 260), requiring the judge of probate to transfer all lists relating to electors to the board of registrars; and to repeal Act No. 791, H. 1331, 1977 Regular Session (Acts 1977, p. 1373), requiring the Morgan County Board of Registrars to administer all phases of the absentee election process except in municipal elections.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Kennedy to adopt the Budget Isolation Resolution relating to the bill, S. 46, was lost, lacking a three-fifths vote.

Yeas 33; Nays 25.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Buskey, Carter, Clark (W), Dolbare, Drake, Dukes, Ford, Graham, Hall (L), Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Morrow, Newton (D), Perdue, Rogers (J), Sanderson, Spratt, Starkey and Venable.

-33

Nay:

Representatives Carns, Clouse, Collins, Crigler, Dean, Gipson, Hamilton, Hammett, Haney, Hawkins, Laird, Layson, McKee, Minnifield, Moore, Morton, Papucci, Payne, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Townsend and Vance.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

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S. 270. To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S.J.R. 78. CREATING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE RESTORATION AND REPAIR OF THE CABINS AND OTHER STRUCTURES BUILT BY THE CIVILIAN CONSERVATION CORPS DURING THE DEPRESSION.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S.J.R. 119. DESIGNATING A PORTION OF HIGHWAY 280 EAST IN SHELBY COUNTY A SCENIC STATE HIGHWAY.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 593. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary

basis and to provide that the fees of the judge of probate would be placed in the county treasury effective January 1 after its approval.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 520. RECOGNIZING MRS. BAMA S. GRAY OF FAIRFIELD, ALABAMA.

Also:

H.J.R. 539. COMMENDING STEPHANIE WILLIAMS FOR HER OUTSTANDING PERFORMANCE.

Also:

H.J.R. 541. COMMENDING MEMBERS OF GIRL SCOUT TROOP 488 FLAG CORPS FOR OUTSTANDING PERFORMANCE.

Also:

H.J.R. 542. COMMENDING WEATHERS BOLT FOR ASSISTING IN THE HOUSE WAYS AND MEANS COMMITTEE'S MOBILE MEETING.

Also:

H.J.R. 551. EXPRESSING THE INTENT OF THE LEGISLATURE THAT EXISTING JURISDICTIONS OF FIRE DISTRICTS NOT BE INFRINGED UPON BY EXPANDING POLICE JURISDICTIONS.

Also:

H.J.R. 552. A RESOLUTION CREATING A JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COMMUNITY SERVICES GRANTS.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, S. 613, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-83

And the bill:

S. 613. To amend Section 40-9B-3 of the Code of Alabama 1975, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories to include refined petroleum pipelines which may qualify for tax abatements.

was read a third time at length and passed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-84

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, S. 308, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-86

And the bill:

S. 308. To amend Sections 36-1-7 and 36-29-22, Code of Alabama 1975, to provide for the appointment of a state employee to the Employee Suggestion Award Board and the Flexible Employees Benefit Board in lieu of the executive director of the Alabama State Employees Association.

was read a third time at length and passed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, S. 203, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-84

And the bill:

S. 203. To provide that county commissions may collect or contract for the collection of local taxes that are authorized to be levied by a general or local act.

was taken up.

SUBSTITUTE OFFERED

Representative Dukes offered the following substitute to the bill, S. 203:

A BILL
TO BE ENTITLED
AN ACT

To provide that county commissions may collect or contract or the collection of all local taxes that are levied or authorized to be levied by a general or local act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The county commission may, by ordinance or resolution, administer and collect, or contract for the collection of, any local sales and use taxes or other local county taxes levied or authorized to be levied by a general or local act. Where the county commission provides by ordinance or resolution for the administration and collection of the local taxes, the collection of the local sales and use

taxes shall occur at the same time as state sales and use taxes are due to be paid to the State Department of Revenue, unless otherwise provided by law.

Section 2. Any county commission which elects to administer and collect, or contract for the collection of, any local sales and use taxes or other local taxes, shall have the same rights, remedies, power and authority, including the right to adopt and implement the same procedures, as would be available to the State Department of Revenue if the tax or taxes were being administered, enforced, and collected by the State Department of Revenue. Any rules and regulations adopted or utilized by the county or its designee shall be consistent with the rules and regulations of the State Department of Revenue. If a specific provision of the rules and regulations of the State Department of Revenue is inconsistent with a specific provision of a local act or general law authorizing a local tax enacted prior to the effective date of this act, the local act or general law provision shall prevail. Any taxpayer that possessed a direct pay permit issued by the State Department of Revenue prior to the effective date of this act shall pay to the county the sales and use taxes and other county taxes pursuant to the direct pay permit in accordance with rules and regulations promulgated by the State Department of Revenue. This act shall not be interpreted to allow a county commission to collect any tax not levied in its own county.

Section 3. In any county in which there exist on the effective date of this act a local act which authorizes a county commission only to contract with a designee to administer and enforce any tax enacted by the county, the tax or taxes shall continue to be collected and enforced by a designee pursuant to the provisions of the local act, unless the local act is amended to provide otherwise or repealed.

Section 4. A county commission which elects to administer and collect, or contract for collection of local taxes pursuant to Section 1, shall not retain or assess any fee for costs of collection of a local tax in excess of the maximum collection fee authorized by law to be charged by the Department of Revenue for the collection of similar local taxes. In any county in which there exists on the effective date of this act a local act which establishes or limits the amount which can be retained by the county for costs of collection or which limits the amount that can be paid by the county to a designee for providing collection and enforcement services, the provisions in the local act with regard to the costs and amounts shall continue to have force and effect unless the local act is amended to provide otherwise or repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

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Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

And the bill, S. 203, as amended, was read a third time at length and passed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

S. 151 INDEFINITELY POSTPONED

On motion of Representative Carothers, the bill, S. 151, and the pending Budget Isolation Resolution were indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, S. 126, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-79

And the bill:

S. 126. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities; and to further provide for the payments for the sale or rental of voting machines or equipment to the governmental entity owning the machines.

was read a third time at length and passed.

Yeas 83; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Sanderson, the Budget Isolation Resolution and the bill, S. 19, were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Clouse offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 265.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Clouse, the bill, S. 265, and the pending Budget Isolation Resolution were temporarily carried over.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 192. To provide for elective course credit for certain public high school students who participate in YMCA Youth and Government programs.

Also:

H. 603. To add a new Section 40-18-35(a)(15), Code of Alabama 1975, to provide for a dividends received deduction for certain dividends received or deemed received by corporations commercially domiciled outside Alabama; and to provide an effective date.

Also:

H. 368. To amend Section 22-52-1.2 of the Code of Alabama 1975, relating to mental health and mental retardation; to provide for the exclusion of the home address and the telephone number of the petitioner from the copy of the petition seeking involuntary commitment provided to the respondent with exceptions.

Also:

H. 907. To amend Section 16-11-2 of the Code of Alabama 1975, to provide that only one classroom teacher may serve as a member of the Board of Education of the City of Attalla.

Also:

H. 930. To amend Section 40-14-70, Code of Alabama 1975, relating to the assessment and collection of the domestic corporation shares tax; to codify the long-standing deduction for the capital stock owned in other domestic corporations; to provide a conforming deduction for the cost of capital stock owned in foreign corporations doing business in Alabama; to provide certain technical corrections, repeal certain deadwood provisions, direct the Department of Revenue to issue conforming regulations; and to provide for a retroactive effective date.

Also:

H. 495. To amend Section 11-41-1 of the Code of Alabama 1975, relating to the authority and petition for an unincorporated community to incorporate, to provide further for the special procedures in counties having a population of 600,000 or more.

Also:

H. 527. To exempt the Franklin Memorial Clinic, Inc., from municipal gross receipts taxes and municipal business license taxes.

Also:

H. 736. Relating to the City of Arab in Cullman and Marshall Counties; terminating a certain sales tax on a certain date.

Also:

H. 778. Relating to Morgan County; to repeal Act No. 191, H. 743, 1977 Regular Session (Acts 1977, p. 260), requiring the judge of probate to transfer all lists relating to electors to the board of registrars; and to repeal Act No. 791, H. 1331, 1977 Regular Session (Acts 1977, p. 1373), requiring the Morgan County Board of Registrars to administer all phases of the absentee election process except in municipal elections.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Hawk and McDaniel:

H.R. 571. MOURNING THE DEATH OF EDWIN GOODHUE REED.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 255. Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 43. COMMENDING CALVIN BINION, AN OUTSTANDING YOUNG ALABAMIAN.

Also:

S.J.R. 91. MOURNING THE DEATH OF MARTHA ANN MARDRE SCOTT OF OPELIKA, ALABAMA.

Also:

S.J.R. 92. MOURNING THE DEATH OF WILLIAM H. TAYLOR.

Also:

S.J.R. 94. COMMENDING ROBERT A. COTHREN ON HIS DISTINGUISHED PROFESSIONAL CAREER.

Also:

S.J.R. 102. COMMENDING JEREMY SAYLOR AS PHI THETA KAPPA REGIONAL PRESIDENT FOR THE STATE OF ALABAMA.

Also:

S.J.R. 103. DIRECTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY AND PRESENT A PLAN CONCERNING RAIL/HIGHWAY GRADE CROSSINGS.

Also:

S.J.R. 112. HONORING MIRIAM P. ZEIGLER FOR HER PROFESSIONAL ACHIEVEMENTS.

Also:

S.J.R. 114. COMMENDING THE COACHES CLUB FOR OUTSTANDING COMMUNITY SERVICE TO BAYOU LA BATRE.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 115. MOURNING THE DEATH OF SIDNEY J. IRBY, SR, OF MOBILE, ALABAMA.

Also:

S.J.R. 117. NAMING TOM DRAKE DRIVE IN CULLMAN COUNTY.

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Also:

S.J.R. 118. HONORING KATHLEEN FRANKLIN OF THE TOADVINE COMMUNITY OF JEFFERSON COUNTY, ALABAMA, ON THE OCCASION OF HER 85TH BIRTHDAY.

Also:

S.J.R. 120. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE ON THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND STATEWIDE HEALTH COORDINATING COUNCIL.

Also:

S.J.R. 122. COMMENDING WILSON GONCE, ALEXANDER CITY'S MAN OF THE YEAR FOR 1995.

Also:

S.J.R. 123. COMMENDING MARTHA BELVIN DIXON OF ANDALUSIA, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE ANDALUSIA/COVINGTON COUNTY COMMUNITY AND TO OTHERS.

Also:

S.J.R. 124. MOURNING THE DEATH OF CAROLYN ANITA PLEASANTS EDEN.

Also:

S.J.R. 125. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL LADY JACKET GOLF TEAM OF MOBILE, ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Dean offered the motion to reconsider the vote by which the Budget Isolation Resolution relating to the bill, S. 46, was lost, and the motion to reconsider was adopted.

Yeas 29; Nays 21.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Crigler, Dean, Dukes, Gaines, Gaston, Graham, Guin, Hall (L), Hayden, Hilliard, Hinshaw, Houston, Kennedy, McAdory, Melton, Mitchell, Murphree, Newton (D), Pringle, Rogers (J), Spratt and Willis.

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Nay:

Representatives Carns, Clouse, Collins, Gipson, Hamilton, Haney, Hawkins, Laird, Layson, McKee, Minnifield, Moore, Papucci, Payne, Sanderson, Seibenhener, Sims, Townsend, Vance, Warren and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Kennedy offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 46.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Representative Kennedy, the motion offered by Representative Seibenhener to temporarily carry over the bill, S. 46, and the pending Budget Isolation Resolution was tabled.

Yeas 44; Nays 17.

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Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Clark (W), Crigler, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hawkins, Hayden, Hilliard, Hogan, Houston, Jackson, Kennedy, Knight (J), Lindsey, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrow, Murphree, Newton (D), Perdue, Pringle, Reed, Robinson, Rogers (J), Smith, Spratt, Starkey and Willis.

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Nay:

Representatives Carns, Clouse, Hamilton, Haney, Laird, Layson, McKee, Moore, Papucci, Payne, Sanderford, Sanderson, Seibenhener, Sims, Townsend, Vance and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Kennedy to the bill, S. 46, and the Budget Isolation Resolution was adopted.

Yeas 46; Nays 19.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carter, Clark (W), Crigler, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hilliard, Hogan, Houston, Jackson, Kennedy, Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Morrow, Murphree, Newton (D), Page, Perdue, Pringle, Reed, Rogers (J), Spratt, Starkey, Turner and Willis.

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Nay:

Representatives Allen, Carns, Clouse, Collins, Hamilton, Haney, Laird, Layson, McKee, Minnifield, Moore, Papucci, Payne, Sanderford, Sanderson, Seibenhener, Sims, Townsend and Wren.

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And the bill:

S. 46. To amend Section 12-17-40, Code of Alabama 1975, relating to

supernumerary circuit judges, to provide further for the individuals who may qualify as supernumerary judges.

was read a third time at length and passed.

Yeas 39; Nays 30.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Clark (W), Crigler, Dean, Dolbare, Drake, Gaston, Guin, Hawkins, Hayden, Hilliard, Hogan, Houston, Jackson, Kennedy, Knight (J), Lindsey, McAdory, McClammy, Melton, Mitchell, Murphree, Newton (D), Perdue, Pringle, Reed, Robinson, Rogers (J), Spratt, Starkey, Thomas (J), Turner and Warren.

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Nay:

Representatives Allen, Carns, Clouse, Collins, Curry, Hall (A), Hamilton, Haney, Johnson (R), Laird, McKee, Minnifield, Moore, Morrison, Morrow, Morton, Papucci, Parker (P), Payne, Petelos, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Vance, White and Wren.

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S. 19 INDEFINITELY POSTPONED

On motion of Representative Sanderson, the bill, S. 19, and the pending Budget Isolation Resolution were indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (C), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 91.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, S. 91, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White, Willis and Wren.

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And the bill:

S. 91. (With Substitute): To make certain statutory changes to the Alabama Real Estate Commission suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-27-2, 34-27-7, 34-27-32, 34-27-35, and 34-27-36, Code of Alabama 1975, relating to the commission, so as to correct a technical error; to add a public member to the commission; to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to exempt inactive licensees from continuing education requirements; and to require the commission to notify the complainant and the licensee in writing regarding the disposition of a complaint.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, S. 91, said committee substitute being as follows:

To make certain statutory changes to the Alabama Real Estate Commission suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-27-2, 34-27-7, 34-27-32, 34-27-35, and 34-27-36, Code of Alabama 1975, relating to the commission, so as to correct a technical error; to add a public member to the commission; to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to exempt inactive licensees from continuing education requirements; and to require the commission to notify the complainant and the licensee in writing regarding the disposition of a complaint.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Newton (C) offered the following substitute to the substitute reported by the Standing Committee on State Administration to the bill, S. 91:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 34-27-2, 34-27-6, 34-27-7, 34-27-32, 34-27-34, 34-27-35, 34-27-35.1, and 34-27-36, Code of Alabama 1975, relating to the Alabama Real Estate Commission, so as to correct a technical error; to provide further for the authority of the commission regarding real estate courses; to add a public member to the commission; to provide further for reciprocal licensing and proof of minimum instructional hours for licensure as a real estate broker or salesperson and to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to provide a hardship postponement for certain temporary license holders; to provide a \$25 fee for certain license changes; to provide inactive status for certain licensees, to provide a hardship postponement, to provide further for continuing education, and to remove the exempt status of licensees age 65 and older; to provide further for unauthorized advertising; and to require the commission to notify the complainant and the licensee in writing regarding the disposition of a complaint.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-27-2, 34-27-6, 34-27-7, 34-27-32, 34-27-34, 34-27-35, 34-27-35.1, and 34-27-36 of the Code of Alabama 1975, are amended to read as follows:

"§34-27-2.

"(a) For purposes of articles 1 and 2 of this chapter, the following terms shall have the respective meanings ascribed by this section:

"~~(6)~~ (1) ASSOCIATE BROKER. Any broker other than a qualifying broker.

"(2) BROKER. Any person licensed as a real estate broker under the provisions of Articles 1 and 2 of this chapter.

"~~(8)~~ (3) COMMISSION. The Alabama Real Estate Commission, except where the context requires that it means the fee paid to a broker or salesperson.

"~~(12)~~ (4) ~~COMMISSION~~ COMMISSIONER. A member of the commission.

"(5) COMPANY. Any corporation, partnership, or branch office licensed as a company under Articles 1 and 2 of this chapter.

"~~(9)~~ (6) ENGAGE. Contractual relationships between a qualifying broker and an associate broker or salesperson licensed under him or her whether the relationship is employer-employee, independent contractor, or otherwise.

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"~~(10)~~ (7) INACTIVE LICENSE. A license which is being held by the commission office by law, order of the commission, at the request of the licensee, or which is renewable but is not currently valid because of failure to renew.

"~~(7)~~ (8) LICENSEE. Any broker, salesperson, or company.

"~~(11)~~ (9) LICENSE PERIOD. That period of time beginning on October 1 of a year designated by the commission to be the first year of a license period and ending on midnight September 30 of the year designated by the commission as the final year of that license period.

"~~(1)~~ (10) PERSON. A natural person.

"~~(14)~~ (11) PLACE OF BUSINESS.

"a. A licensed broker living in a rural area of this state who operates from his or her home, provided that he or she sets up and maintains an office for the conduct of the real estate business, which shall not be used for living purposes or occupancy other than the conduct of the real estate business. The office shall be used by the broker only and not as a place of business from which any additional licensee operates under his or her license. The office shall have a separate business telephone, separate entrance, and be properly identified as a real estate office.

"b. All licensees located within the city limits or police jurisdiction of a municipality shall operate from a separate office located in the city limits or police jurisdiction. The office shall have a business telephone, meet all other regulations of the Real Estate Commission, and be properly identified as a real estate office. Hardship cases may be subject to waiver of this regulation upon application and approval by the commission.

"c. All business records and files shall be kept at the place of business as required by law or Real Estate Commission rules.

"~~(4)~~ (12) QUALIFYING BROKER. A broker under whom a corporation, partnership, or branch office is licensed, or a broker licensed to do business as a sole proprietorship who is responsible for supervising the acts of the company or proprietorship and all real estate licensees licensed therewith.

"(13) RECOVERY FUND. The Alabama Real Estate Recovery Fund.

"~~(3)~~ (14) SALESPERSON. Any person licensed as a real estate salesperson under Articles 1 and 2 of this chapter.

"(b) The licensing requirements of Articles 1 and 2 of this chapter shall not apply to any of the following persons and transactions:

"(1) Any owner in the managing of, or in consummating a real estate transaction involving, his or her own real estate or the real estate of his or her spouse or child or parent.

"(2) An attorney-at-law performing his or her duties as an attorney-at-law.

"(3) Persons acting without compensation and in good faith under a duly executed power of attorney authorizing the consummation of a real estate transaction.

"(4) Persons or a state or federally chartered financial institution acting as a receiver, trustee, administrator, executor, or guardian; or acting under a court order or under authority of a trust instrument or will.

"(5) Public officers performing their official duties.

"(6) Persons performing general clerical or administrative duties for a broker so long as the person does not physically show listed property.

"(7) Persons acting as the manager for an apartment building or complex. However, this exception shall not apply to a person acting as an on-site manager of a condominium building or complex; or

"(8) Persons licensed as time-share sellers under Article 3 of this chapter performing an act consistent with that article.

"(9) Transactions involving the sale, lease, or transfer of cemetery lots.

"§34-27-6.

"(a) The commission may approve and regulate schools that offer commission approved prelicense, postlicense, and continuing education courses.

"(b) The commission may approve, sponsor, contract for or conduct, or assist in sponsoring or conducting real estate courses for licensees, may charge fees, and may incur and pay the necessary expenses in connection therewith.

"(c) The commission may approve and regulate instructors who teach the commission approved prelicense, postlicense, and continuing education courses. The commission shall establish and collect fees as determined necessary, not to exceed fifty dollars (\$50) per instructor annually, to approved instructors who teach who teach commission approved courses.

"(d) The commission may approve courses and establish and collect fees as determined necessary, not to exceed one hundred dollars (\$100) per application, to review each course.

"(e) The commission may establish one-year or multi-year approval periods for schools and instructors.

"(f) The commission shall promulgate rules and regulations as necessary to accomplish the purpose of this section in accordance with the Administrative Procedure Act.

"§34-27-7.

"(a) There is created the Alabama Real Estate Commission. The commission shall consist of ~~eight~~ nine members appointed by the Governor with the advice and consent of the senate as hereinafter provided. The Governor's appointments to the commission, except for the appointment of the consumer member made pursuant to subsection (e), shall be made from a list of three persons nominated by the governing body of the Alabama Professional Real Estate Society or trade association which has the largest licensee membership, as evidenced by the filing of a verified list of paid members with the Secretary of State within 10 days of April 6, and annually by December 31 of each year thereafter. At least one of the persons nominated for each commission seat shall not be a member of the Real Estate Society or trade association. The Governor shall appoint one of the three nominated persons within 30 days following receipt of the list. If the Governor does not make an appointment within 30 days, the said Real Estate Society or trade association shall provide the Governor a list of three additional nominees. The Governor, upon receipt of the second list of nominees, shall appoint one of the six nominees within 30 days following receipt of the nominees. Appointments made at times when the senate is not in session shall be effective ad interim. Any appointment made by the Governor while the senate is in session shall be submitted not later than the third legislative day following the date of appointment. Any appointment made while the senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature.

"(b) Ad interim appointments may be made by the Governor when the legislature is not in session only for vacancies occurring by reason of death or resignation of a board member. Ad interim appointments shall be confirmed by the senate at the next following regular or special session of the legislature. Failure by the senate to confirm shall result in a vacancy on the board that shall be filled by appointment by the Governor and confirmation by the senate while the legislature is in session. Any vacancy not acted upon shall remain a vacancy until it is filled at a subsequent session of the legislature in the manner prescribed in this section.

"(c) Each of the original seven appointees and their successors shall have been a resident and citizen of this state for at least 10 years prior to his or her appointment and whose vocation for at least 10 years shall have been that of a real estate broker or real estate salesperson. No person convicted of a violation of any federal or state real estate license law shall be eligible to serve. Not more than one member from any United States Congressional District shall be

appointed to serve at the same time. The members of the commission shall serve five-year terms. On and after April 7, 1988, no member shall serve for more than two consecutive terms of office, except, however, each member shall hold office until his or her successor is appointed by the Governor and confirmed by the senate. The period of time any member serves after the expiration of his or her term of office while awaiting the appointment and senate confirmation of his or her successor shall not be considered as a consecutive term of office in determining the two consecutive terms of office limitation herein provided. All appointments shall expire on September 30 of the final year of a term, or on the date a successor to the member is appointed and confirmed. If a member does not serve his or her full term, the Governor shall appoint, in the same manner as original appointments are made, subject to confirmation by the senate, a member to serve the unexpired portion of the term.

"(d) On September 30, 1988, the Governor shall appoint one new member to the commission, subject to the confirmation of the senate, who shall be a black member who meets all of the other requirements of subsection (c), who shall serve no more than two consecutive terms of office, who shall be a full voting member, and who may be appointed from any congressional district in the state. Each successor black member shall be appointed from a different congressional district, to be rotated equally among the remaining congressional districts.

"(e) On October 1, 1996, the Governor shall appoint one new member to the commission, subject to the confirmation of the Senate, who shall be a consumer member. The consumer member of the commission shall serve no more than two consecutive terms of office, shall be a full voting member, and shall be initially appointed from any congressional district in the state. Each successor consumer member shall be appointed from a different congressional district, on a rotating basis, among the remaining congressional districts. The consumer member shall meet all of the following requirements, that he or she:

"(1) Is 21 years of age or older.

"(2) Has been a resident and citizen of this state for at least 10 years prior to appointment.

"(3) Is a registered voter in this state.

"(4) Has no felony convictions.

"(5) Is the owner of real property.

"(6) Has not been a licensed real estate broker or salesperson for the 10 years preceding appointment.

"(7) Is not related to, by blood or marriage, or employed by, a real estate licensee.

"~~(e)~~ (f) On the appointment of a new commissioner, the commission shall meet and select from its members a chair.

"~~(f)~~ (g) Each member of the commission shall receive as full compensation ~~\$300.00~~ three hundred dollars (\$300) per month. The members of the commission, its staff, and attorneys shall receive the same per diem and travel allowance paid to state employees for each day they meet to conduct the official business of the commission.

"~~(g)~~ (h) The commission may employ an executive director and an assistant executive director, both of whom shall be exempted from the classified service under the general laws of the state, and other staff members necessary to discharge its duties and administer this chapter. The executive director and assistant executive director shall be employed on the basis of their education, experience, and skills in administration and management. The commission shall advertise to seek quality applicants possessing the qualifications and shall conduct interviews of the top applicants. The assistant executive director shall act as and have authority of the executive director in his or her absence. The commission shall determine the duties and fix the compensation of the executive director, assistant executive director, and other staff members, subject to the general laws of the state.

"~~(h)~~ (i) The commission shall adopt a seal by which it shall authenticate records and documents. Copies of all records and documents in the office of the commission duly certified and authenticated by the seal of the commission shall be received in evidence in all courts equally and with the same effect as the original. All public records kept in the office of the commission shall be open to public inspection during reasonable hours and under reasonable circumstances.

"~~(i)~~ (j) No commissioner shall be liable for damages resulting from any act performed in carrying out his or her duties as a commissioner.

"§34-27-32.

"(a) A license for a broker or a salesperson shall be registered to a specific real estate office and shall be issued only to, and held only by, a person who meets all of the following requirements:

"(1) Is trustworthy and competent to transact the business of a broker or salesperson in a manner that safeguards the interest of the public.

"(2) Is a person whose application or license has not been rejected or revoked in any state within two years prior to date of application on any grounds other than failure to pass a written examination. Any applicant whose license has been revoked shall meet all the requirements imposed on an original applicant for a license and shall not be relicensed without the approval of the commissioners.

"(3) Is at least 19 years old.

"(4) Is a citizen of the United States or is an alien with permanent resident status.

"(5) Is a person who, if a nonresident, agrees to sign an affidavit stating the following and in the following form:

"I, as a nonresident applicant for a real estate license and as a licensee, agree that the Alabama Real Estate Commission shall have jurisdiction over me in any and all of my real estate related activities the same as if I were an Alabama resident licensee. I agree to be subject to investigations and disciplinary actions the same as Alabama resident licensees. Further, I agree that civil actions may be commenced against me in any court of competent jurisdiction in any county of the State of Alabama.

"I hereby appoint the executive director or the assistant executive director of the Alabama Real Estate Commission as my agent upon whom all disciplinary, judicial, or other process or legal notices may be served. I agree that any service upon my agent shall be the same as service upon me and that certified copies of this appointment shall be deemed sufficient evidence and shall be admitted into evidence with the same force and effect as the original might be admitted. I agree that any lawful process against me which is served upon my agent shall be of the same legal force and validity as if personally served upon me and that this appointment shall continue in effect for as long as I have any liability remaining in the State of Alabama. I understand that my agent shall, within a reasonable time after service upon him or her, mail a copy of the service by certified mail, return receipt requested, to me at my last known business address.

"I agree that I am bound by all the provisions of the Alabama real estate license law the same as if I were a resident of the State of Alabama.
_____ Legal signature of applicant"

"The commission may reject the application of any person who has been convicted of or pleaded guilty or nolo contendere to a felony or a crime involving moral turpitude.

"(b) (1) A person who holds a current real estate salesperson license in another state, including persons who move to and become residents of Alabama, shall apply for a reciprocal salesperson license on a form prescribed by the commission. A person who holds a current broker license in another state, including persons who move to and become residents of Alabama, shall apply for a reciprocal broker license on a form prescribed by the commission. The applicant shall submit proof that he or she has a current real estate license in another state as evidenced by a certificate of licensure, together with any other information required by the commission. Applicants for a reciprocal license shall not be subject to the examination or temporary license requirements of Section 34-27-33. A person who holds a reciprocal license shall show proof of completion of continuing education either by meeting the requirements of Section 34-27-35 or by showing proof that his or her other state license remains active in that state. The

fees for issuance and renewal of a reciprocal license shall be the same as those for original licenses pursuant to Section 34-27-35. The recovery fund fee for issuance of a reciprocal license shall be the same as for an original license pursuant to Section 34-27-31, and errors and omissions insurance requirements shall be the same as provided in Section 34-27-35.1.

"(2) A person who holds a current Alabama license who moves to and becomes a resident of the state shall within 10 days submit to the commission notice of change of address and all other license status changes.

"(b) (c) A person who does not hold a current real estate broker license in another state desiring to be a real estate broker in this state shall apply for a broker's license on a form prescribed by the commission which shall specify the real estate office to which he or she is registered. Along with the application, he or she shall submit all of the following:

"(1) Proof that he or she has had an active real estate salesperson's license in any state for at least 24 months of the 36 month period immediately preceding the date of application.

"(2) Proof that he or she is a high school graduate or the equivalent.

"(3) Proof that he or she has completed a course in real estate approved by the commission, which shall be a minimum of eight weeks in length, shall meet at least once a week, and shall contain a minimum of 60 classroom clock hours.

"(4) Any other information requested by the commission.

"(e) (d) A person who does not hold a current real estate salesperson license in another state desiring to be a real estate salesperson in this state shall apply for a salesperson's license with the commission on a form prescribed by the commission which shall specify the real estate office to which he or she is registered. Along with the application he or she shall furnish all of the following:

"(1) Proof that he or she is a high school graduate or the equivalent.

"(2) Proof that he or she has successfully completed a course in real estate approved by the commission, which shall be a minimum of eight weeks in length, shall meet at least once a week, and shall contain a minimum of 45 classroom 60 clock hours.

"(3) Any other information required by the commission.

"(d) (e) An application for a company license for a corporation, partnership, or branch office shall be made by a qualifying broker on a form prescribed by the commission. The qualifying broker shall be an officer, partner, or employee of the company.

"~~(e)~~ (f) An applicant for a company or broker license shall maintain a place of business ~~in the State of Alabama.~~

"~~(f)~~ (g) If the applicant for a company or broker license maintains more than one place of business in the state, he or she shall have a company license for each separate location or branch office. Every application shall state the location of the branch office and the name of its qualifying broker. Each branch office shall be under the direction and supervision of a qualifying broker licensed at that address. No person may serve as qualifying broker at more than one location. The qualifying broker for the branch office and the qualifying broker for the corporation, partnership, or sole proprietorship shall share equal responsibility for the real estate activities of all licensees assigned to the branch office.

"~~(g)~~ (h) No person shall be a qualifying broker for more than one company or for a company and on his or her own behalf unless:

"(1) All companies for which he or she is and proposes to be the qualifying broker consent in writing.

"(2) He or she files a copy of the written consent with the commission.

"(3) He or she will be doing business from the same location.

"A person licensed under a qualifying broker may be engaged by one or more companies with the same qualifying broker.

"~~(h)~~ (i) A company license shall become invalid on the death or disability of a qualifying broker. Within 30 days after the death or disability, the corporation, or the remaining partners or the successor partnership, if any, may designate another of its officers, members, or salespersons to apply for a license as temporary qualifying broker. The person designated as temporary qualifying broker shall either be a broker or have been a salesperson for at least one year prior to filing the application. If the application is granted, the company may operate under that broker for no more than six months after the death or disability of its former qualifying broker. Unless the company designates a fully licensed broker as the qualifying broker within the six months, the company license shall be classified inactive by the commission.

"~~(i)~~ (j) The commission may charge any applicant a fee for a criminal record search of the applicant in the same amount as is charged the commission by the Department of Public Safety or other agency for the search.

"~~(j)~~ (k) The commission may charge a fee of ~~\$10.00~~ ten dollars (\$10) for furnishing any person a copy of a license, certificate or other official record of the commissioner.

"§34-27-34.

"(a) (1) A broker may serve as qualifying broker for a salesperson or associate broker only if licensed in Alabama, his or her principal business is that of a real estate broker, and he or she shall be in a position to actually supervise the real estate activities of the associate broker or salesperson on a full-time basis.

"(2) A salesperson or associate broker shall not perform acts for which a license is required unless licensed under a qualifying broker. A qualifying broker shall be held responsible to the commission and to the public for all acts governed by this chapter of each salesperson and associate broker licensed under him or her and of each company for which he or she is the qualifying broker. It shall be the duty of the qualifying broker to see that all transactions of every licensee engaged by him or her or any company for which he or she is the qualifying broker comply with this chapter. Additionally, the qualifying broker shall be responsible to an injured party for the damage caused by any violation of this chapter by any licensee engaged by the qualifying broker. This subsection does not relieve a licensee from liability that he or she would otherwise have.

"(3) The qualifying brokers' supervision responsibilities, as prescribed herein, over the real estate activities of associate brokers and salespersons licensed under him or her are not intended to and should not be construed as creating an employer-employee relationship contrary to any expressed intent of the qualifying broker and licensee to the contrary.

"(b) Any salesperson or associate broker who desires to change his or her qualifying broker shall give notice in writing to the commission, and shall send a copy of the notice to his or her qualifying broker. The new qualifying broker shall file with the commission a request for the transfer and a statement assuming liability for the licensee. On payment of a fee of ~~\$25.00~~ twenty-five dollars (\$25), a new license certificate shall be issued to the salesperson or associate broker for the unexpired term of the original license. A fee of twenty-five dollars (\$25) shall also be charged for any of the following license changes:

"(1) Change of qualifying broker by a company or sole proprietorship. The fee is paid for the license or licenses on which the current and new qualifying brokers' names appear. In cases where a company has a branch office or offices and the main office qualifying broker is changed, the fee is paid for each branch office license and for the license of each branch qualifying broker.

"(2) Change of personal name of a qualifying broker. The fee is paid for the license or licenses on which the current qualifying broker's name appears.

"(3) Change of personal name of a salesperson or associate broker. The fee is paid for the license on which the name appears.

"(4) Change of business location. The fee is paid for the license or licenses on which the address appears.

"(5) Change of business name. The fee is paid for the license or licenses on which the name appears.

"(6) Change of status from inactive to active. The fee is paid for each license being changed from inactive to active status. No fee is charged for the change from active to inactive status.

"(c) A person who wishes to terminate his or her status as qualifying broker for a licensee may do so by notifying the licensee and the commission in writing and sending the licensee's license certificate to the commission or verifying in writing to the commission that the certificate has been lost or destroyed.

"(d) A person who wishes to terminate his or her status as a qualifying broker for a company may do so by submitting written notice to the company or qualifying broker of the parent company and the commission.

"(e) A salesperson or associate broker shall not perform any act for which a license is required after his or her association with his or her qualifying broker has been terminated, or if he or she changes qualifying brokers, until a new active license has been issued by the commission.

"§34-27-35.

"(a) The commission shall prescribe the form and content of license certificates issued. Each qualifying broker's license certificate shall show the name and business address of the broker. The license certificate of each active salesperson or associate broker shall show his or her name and address. The license certificate of each active salesperson or associate broker shall be delivered or mailed to his or her qualifying broker. Each license certificate shall be kept by the qualifying broker and shall be publicly displayed at the address which appears on the license certificate.

"(b) The commission may establish a one-year or multi-year license period.

"(c) The original fee for a broker's license shall be forty-five dollars (\$45) per year for each year or portion of a year remaining in the respective license period, and the renewal fee for a broker's license shall be forty-five dollars (\$45) per year for each year of the license period. The original fee for each salesperson's license shall be ~~\$35.00~~ thirty-five dollars (\$35) per year for each year or portion of a year remaining in the respective license period, and the renewal fee for each salesperson's license shall be thirty-five dollars (\$35) per year for each year of the license period. The original fee for each company license shall be thirty-five dollars (\$35) per year for each year or portion of a year remaining in the respective license period, and the renewal fee for each license shall be thirty-five dollars (\$35) per year for each year of the license period.

"(d) The renewal research and education fee shall be two dollars and fifty cents (\$2.50) per year for each year of the license period, and shall be paid at the time of license renewal by all brokers and salespersons in addition to the license renewal fees set out in this section. Collection of this fee shall begin and shall apply to all broker and salesperson renewals on and after August 1, 1996, except that brokers who hold more than one broker's license shall pay the fee for only one license at each renewal.

"(e) The original research and education fee shall be thirty dollars (\$30) and shall be paid at the time of all applications received on and after October 15, 1995, for issuance of an original broker's license, and shall be paid at the time of all applications received on and after October 15, 1995, for issuance of a temporary salesperson's license. This is in addition to the original license fees set out in this section, and is in addition to the temporary license fee set out in Section 34-27-33. This thirty dollar (\$30) original research and education fee is a one-time fee which no person shall be required to pay more than once.

"(f) The license of a salesperson who is subsequently issued a broker's license automatically terminates upon the issuance of his or her broker's license certificate. The salesperson's license certificate shall be returned to the commission in order for a broker's license to be issued. If the salesperson's license is terminated during a year prior to the final year of a multi-year license period, the licensee shall receive a refund equal to the license fee paid for each full year remaining in the respective license period. No refund shall be made of any penalty fee or recovery fund deposit pertaining to the salesperson's license.

"(g) The commission shall prescribe a license renewal form, which shall accompany renewal fees, proof of errors and omissions insurance coverage, if applicable, and proof of completion of not less than 12 clock hours of approved continuing education course work, if applicable, and all shall be filed on or before August 31 of the final year of each license period in order for the respective license to be renewed on a timely basis for the following license period. Failure to meet this deadline shall result in the license being placed on inactive status on the following October 1, and the license shall be subject to all reactivation requirements. Reactivations shall be processed in the order received as evidenced by postmark or delivery date. Certified or registered mail shall not be used for reactivation in these cases. Licensees who renew during the period from September 1 of the final year of a license period ~~through October 31 of the initial year of the following license period, shall pay a penalty of fifteen dollars (\$15) in addition to the license fee. Any licensee renewing during the period from November 1 through September 30 of the initial year of a license period shall pay the required license fee, plus a penalty of sixty-five dollars (\$65).~~

"(h) The renewal form shall be mailed by the commission to the licensee's place of business, if an active licensee, or to his or her residence if an inactive licensee, prior to August 1 of the final year of each license period. Each licensee shall notify the commission in writing of any change in his or her business or residence address within 30 days of the change.

"(i) Every license shall expire at midnight on September 30 of the final year of each license period. An expired license may be renewed during the 12-month period following the license period for which the license was current. A licensee who fails to renew before the end of the 12-month period following the license period for which the license was issued has a lapsed license, and shall be subject to all requirements applicable to persons who have never been licensed, however, the commission may upon determination of hardship, allow later renewal upon

payment of all fees and penalties. An inactive license must be renewed in the same manner as an active license.

"(j) (1) Each applicant for renewal of a an active salesperson or broker license issued by the commission shall, on or before ~~the expiration date of his or her license~~ August 31 of the final year of each license period, submit proof of completion of not less than 12 clock hours of approved continuing education course work to the commission, in addition to any other requirements for renewal. Failure to meet this deadline shall result in the license being placed on inactive status on the following October 1, and the license shall be subject to all reactivation requirements. Reactivations shall be processed in the order received as evidenced by postmark or delivery date. Certified or registered mail shall not be used for reactivation in this case. The commission shall not approve any continuing education course work to be taught in any part during the month of September of the final year of a license period. The commission shall not accept any continuing education course work taken in any part during the month of September of the final year of a license period. Proof of attendance at the course work, whether or not the applicant attained a passing grade in the course, shall be sufficient to satisfy requirements for renewal. The 12 clock hours' course work requirement shall apply to each two-year license renewal, and hours in excess of 12 shall not be cumulated or credited for the purpose of subsequent license renewals. The commission shall develop standards for approval of courses, and shall require certification of the course work of the applicant.

"Time served as a member of the State Legislature during each license renewal period shall be deemed the equivalent of the 12 hours course work and shall satisfy the requirements of this subsection.

"(2) This section shall apply to renewals of licenses which expire after September 30, 1986. An applicant for first renewal who has been licensed for not more than one year shall not be required to comply with this section for the first renewal of the applicant's license. Any licensee who is 65 years of age or greater shall be exempt from this section. Any licensee upon reaching the age of 65 and having been licensed 10 years prior to that date shall be exempt from this section.

"(3) Continuing education shall not result in a passing or failing grade.

"(k) A licensee may request that the commission issue his or her license to inactive status. Inactive licenses shall be held at the commission office until activated. No act for which a license is required shall be performed under an inactive license.

"§34-27-35.1.

"(a) All real estate licensees, except those whose license is on inactive status with the commission shall, as a condition to holding an active license, carry errors and omissions insurance to cover activities contemplated under chapter 27 of Title 34.

"(b) The real estate commission shall make the insurance required under this section available to all licensees by contracting with an insurance provider having a current rating in A.M. Best of A or better for a group policy, after competitive bidding in accordance with applicable Alabama law, except that no bid shall be accepted by the commission of any insurance provider having a current or former member of the Alabama Real Estate Commission or spouse thereof in the employment of that provider.

"(c) Any policy obtained by the commission must be available to all licensees with no right on the part of the insurance provider to cancel.

"(d) All licensees shall have the option of obtaining errors and omissions insurance independently, provided that the coverage so obtained complies with the minimum requirements established by the commission. Those who choose this option shall show compliance by providing a certificate of coverage and filing it with the commission office.

"(e) The commission shall determine and set the terms and conditions of coverage mandated under this section, including but not limited to the minimum limits of coverage, the deductible, and exclusions from coverage, and that the total premium shall not exceed ~~\$100.00~~ one hundred dollars (\$100) per year.

"(f) Each licensee shall be notified of the required terms and conditions of coverage for the policy at least thirty (30) days before his or her license is to be renewed. Proof of coverage shall be furnished to the commission on or before August 31 of the final year of each license period in order for the respective license to be renewed on a timely basis. Failure to meet this deadline shall result in the license being placed on inactive status on the following October 1, and the license shall be subject to all reactivation requirements. Reactivations shall be processed in the order received as evidenced by postmark or delivery date. Certified or registered mail shall not be used for reactivation in this case.

"(g) If the commission is unable to obtain errors and omissions insurance coverage to insure all licensees who choose to participate in the program as prescribed in subsection (e), the requirement of insurance coverage under this section shall be void during the applicable contract period.

"(h) The errors and omissions insurance coverage required by this section shall become effective as a condition of license issuing or renewal on October 1, 1993. Failure by any licensee to obtain such coverage shall result in his or her license being issued or renewed on inactive status.

"(i) The Alabama Real Estate Commission is hereby authorized to promulgate and implement such administrative rules and regulations in accordance with the state administrative procedures act as shall be necessary, from time to time, to carry out the provisions of this section.

"(a) The commission or its staff may on its own, or on the verified complaint in writing of any person, investigate the actions and records of a licensee. The commission may issue subpoenas and compel the testimony of witnesses and the production of records and documents during an investigation. If probable cause is found, a formal complaint shall be filed and the commission shall hold a hearing on the formal complaint. The commission shall revoke or suspend the license or impose a fine of not less than ~~\$25.00~~ twenty-five dollars (\$25) nor more than ~~\$1,000.00~~ one thousand dollars (\$1,000), or both, or reprimand the licensee in each instance in which the licensee is found guilty of any of the following acts:

"(1) Procuring or attempting to procure, a license, for himself or herself or another, by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in an application for a license.

"(2) Engaging in misrepresentation or dishonest or fraudulent acts when selling, buying, trading, or renting real property of his or her own or of a spouse or child or parent.

"(3) Making a material misrepresentation, or failing to disclose to a potential purchaser or lessee any latent structural defect or any other defect known to the licensee. Latent structural defects and other defects do not refer to trivial or insignificant defects but refer to those defects that would be a significant factor to a reasonable and prudent person in making a decision to purchase or lease.

"(4) Making any false promises of a character likely to influence, persuade, or induce any person to enter into any contract or agreement.

"(5) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents or salespersons or any medium of advertising or otherwise.

"(6) Publishing or causing to be published any advertisement which deceives or which is likely to deceive the public, or which in any manner tends to create a misleading impression or which fails to identify the person causing the advertisement to be placed as a licensed broker or salesperson.

"(7) Acting for more than one party in a transaction without the knowledge and consent in writing of all parties for whom he or she acts.

"(8) a. Failing, within a reasonable time, to properly account for or remit money coming into his or her possession which belongs to others, or commingling money belonging to others with his or her own funds.

"b. Failing to deposit and account for at all times all funds belonging to, or being held for others, in a separate federally insured account or accounts in a financial institution located in Alabama.

"c. Failing to keep for at least three years a complete record of funds belonging to others showing to whom the money belongs, date deposited, date of withdrawal, and other pertinent information.

"(9) Placing a sign on any property offering it for sale, lease, or rent without the consent of the owner.

"(10) Failing to voluntarily furnish a copy of each listing, contract, lease, and other document to each party executing the document with reasonable promptness.

"(11) Paying any profit, compensation, commission, or fee to, or dividing any profit, compensation, commission, or fee with, anyone other than a licensee or multiple listing service.

"(12) Paying or receiving any rebate from any person in a real estate transaction.

"(13) Inducing any party to a contract to break the contract for the purpose of substituting a new contract, where the substitution is motivated by the personal gain of the licensee.

"(14) If the licensee is a salesperson or associate broker, accepting a commission or other valuable consideration for performing any act for which a license is required from any person except his or her qualifying broker.

"(15) If a qualifying broker or company, allowing a salesperson or associate broker licensed under him or her to advertise himself or herself as a real estate agent without the name or trade name of the qualifying broker or company appearing on the advertising in letters at least as large as the name of the salesperson or associate broker; or if the licensee is a salesperson or associate broker, advertising himself or herself as a real estate agent without the name or trade name of the qualifying broker or company under whom the salesperson or associate broker is licensed appearing on the advertising in letters at least as large as the name of the salesperson or associate broker.

"(16) Presenting to the commission, as payment for a fee or fine, a check that is returned unpaid.

"(17) Establishing an association, by employment or otherwise, with an unlicensed person who is expected or required to act as a licensee, or aiding, abetting, or conspiring with a person to circumvent the requirements of this chapter.

"(18) Failing to disclose to an owner the licensee's intention to acquire, directly or indirectly, an interest in property which he or she or his or her associates have been employed to sell.

"(19) Violating or disregarding any provision of this chapter or any rule, regulation, or order of the commission.

"(20) If a broker, accepting a "net listing" agreement for sale of real property or any interest therein. A "net listing" is one that stipulates a net price to be received by the owner with the excess due to be received by the broker as his or her commission.

"(21) Misrepresenting or failing to disclose to any lender, guaranteeing agency, or any other interested party, the true terms of a sale of real estate.

"(22) Failing to inform the buyer or seller at the time an offer is presented that he or she will be expected to pay certain closing costs and the approximate amount of those costs.

"(23) a. Having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony or a crime involving moral turpitude.

"b. Having a final money judgment rendered against him or her which results from an act or omission occurring in the pursuit of his or her real estate business or involves the goodwill of an existing real estate business.

"(24) Offering free lots or conducting lotteries for the purpose of influencing a party to purchase or lease real estate.

"(25) Failing to include a fixed date of expiration in a written listing agreement or failing to leave a copy of the agreement with the principal.

"(26) Conduct which constitutes or demonstrates dishonest dealings, bad faith, or untrustworthiness.

"(27) Acting negligently or incompetently in performing an act for which a person is required to hold a real estate license.

"(28) Failing or refusing on demand to produce a document, book, or record in his or her possession concerning a real estate transaction conducted by him or her for inspection by the commission or its authorized personnel or representative.

"(29) Failing within a reasonable time to provide information requested by the commission during an investigation or after a formal complaint has been filed.

"(30) Failing without cause to surrender to the rightful owner, on demand, a document or instrument coming into his or her possession.

"(31) If a qualifying broker or company, failing to keep in their files copies of all contracts, leases, listings, and other records pertinent to real estate transactions for a period of three years.

"(b) If it appears that a person, firm, corporation, or any business entity has engaged, or is about to engage, in an act or practice constituting a violation of Article 1 or 2 of this chapter or any rule or order of the commission, the commission, through the Attorney General, may institute legal actions to enjoin the act or practice and to enforce compliance with Articles 1 and 2 of this chapter or any rule or order of the commission. To prevail in an action, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation.

"(c) The commission shall notify the licensee and qualifying broker in writing regarding the complaint.

"(d) The commission shall notify the complainant, licensee, and qualifying broker in writing regarding the disposition of the complaint."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Newton (C) was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White, Willis and Wren.

And the bill, S. 91, as amended, was read a third time at length and passed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (A) intended to vote "Yea" on passage of the bill, S. 91, as amended.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 354. Relating to Morgan County; authorizing the governing bodies of the Cities of Hartselle, Falkville, and Decatur to regulate the operation of bingo games within their respective jurisdictions within the county and providing for penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Dukes, the House concurred in and adopted the Senate amendment to the bill, H. 354, said Senate amendment being as follows:

REGULAR SESSION
29th Day

3297

A BILL
TO BE ENTITLED
AN ACT

Relating to Morgan County; authorizing the governing bodies of the Cities of Hartselle, Falkville, and Decatur to regulate the operation of bingo games within their respective jurisdictions within Morgan County and providing for penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following words shall have the following meanings:

(1) **BINGO.** The game, commonly known as bingo, where numbers or symbols on a card are matched with numbers or symbols selected at random.

(2) **BINGO SESSION.** A consecutive period of time not to exceed five consecutive hours during which bingo is played in a given day and not to exceed one day in a given week.

(3) **EQUIVALENT VALUE.** The fair market value of the gift on the date the gift is given as the prize in a bingo game.

(4) **LOCATION.** A single building, hall, enclosure, or outdoor area used for the purpose of playing bingo pursuant to a permit or license issued under this act.

(5) **PERMIT HOLDER.** A qualified organization or qualified club which has a permit or license pursuant to this act.

(6) **PERSON.** Any human being, corporation, association, or other legal entity.

(7) **REASONABLE EXPENSES.** Includes customary and usual business overhead expenses.

(8) **QUALIFIED ORGANIZATION.** A bona fide religious, educational, service, senior citizens, fraternal, or veterans' organization which qualifies as an exempt organization under Section 501(c) of the Internal Revenue Code and operates without profit to its members and which has been in existence continuously as that organization for a period of three years and which has owned or leased real property in Morgan County for at least three years immediately prior to making application for operating bingo.

Section 2. The operation of bingo games for prizes or money by qualified organizations or qualified clubs for bona fide charitable, educational, or other lawful purposes shall be legal within the Cities of Hartselle, Falkville, and that area of the City of Decatur within the boundaries of Morgan County subject to this act.

Section 3. (a) No qualified organization or club shall be permitted to operate a bingo game unless the bingo game is located in the confines of Morgan County and only then the City of Hartselle, the City of Falkville, and that area of the City of Decatur within the boundaries of Morgan County. The permit described in this act is in addition to, and not in lieu of, any other business licenses which may be required by law. No bingo game shall be operated until all required licenses have been obtained. A permit holder may hold only one permit and the permit shall be valid for only one location. A permit shall not be assignable or transferable.

(b) Any qualified organization or club desiring to obtain a permit to operate bingo games in a calendar year shall apply to the city clerk in Hartselle, Falkville, or Decatur, on forms provided by that office, and shall pay an annual fee of one hundred dollars (\$100). Renewal applications shall also be filed with the city clerk. The city clerk shall refuse to grant a bingo permit to any applicant who fails to fully provide the information required by this subsection. Each applicant for a permit shall prove its length of existence and the ownership of real property in the respective cities for at least three years immediately preceding the application and provide the following information:

(1) The name and home address of the applicant and, if the applicant is a corporation, association, private club, or other similar legal entity, the names and home addresses of each of the officers of the organization or club.

(2) The names and home addresses of persons, organizations, clubs, or other legal entities that shall be the surety for the applicant.

(3) The location at which the applicant shall conduct the bingo games. Bingo games shall be held only on the premises wholly owned by a qualified permit holder with exception to a rental agreement pursuant to this act.

(4) A statement showing the convictions, if any, for criminal offenses, other than minor traffic offenses, of each of the persons listed in subdivisions (1) and (2).

(c) Permits may be amended upon resubmission of application, surrender of permit, and payment of a twenty-five dollar (\$25) fee.

Section 4. (a) Each bingo permit shall contain the name and address of the permit holder, the location at which the permit holder is permitted to conduct bingo, and the day or days of the week on which the permit holder is permitted to conduct bingo.

(b) The bingo permit holder shall display the permit conspicuously at the location where bingo is being conducted at all times during the conduct of the games.

Section 5. (a) It is the intention of the Legislature that only qualified organizations or qualified clubs which are properly issued permits or licenses

pursuant to this act, shall be allowed to operate bingo games. A qualified organization or qualified club shall not lend its name or allow its identity to be used by any other person in operating or promoting a bingo game in which that person has a substantial financial interest.

(b) Notwithstanding anything to the contrary, with the consent of the sponsoring organization, any individual participant may use his or her personal card, but that individual is not exempt from any fees or charges.

(c) It shall be unlawful for two or more qualified organizations to pyramid the valuation of prizes in a manner to exceed the limits in cash, or gifts of equivalent value, as provided in Section 6.

(d) Except as otherwise provided by this act, a qualified organization or qualified club may deduct the reasonable expenses of operating and conducting its bingo games.

(e) No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a bingo game.

Section 6. (a) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permit holder, except as otherwise provided in subsection (b) of Section 5.

(b) Prizes given by any qualified nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value of three thousand five hundred dollars (\$3,500) during any bingo session.

(c) A permit holder shall not advertise a bingo session except by announcement at a regular session of bingo.

(d) A permit holder shall display its bingo license conspicuously at the location where the bingo game is conducted.

(e) A permit holder shall conduct bingo games only at the single location specified in the application of the permit holder.

(f) A permit holder, pursuant to Section 3, shall not conduct more than one bingo session during any one calendar week not to exceed five hours in duration and no session shall be played after 11:30 p.m. All bingo sessions shall be held Monday to Saturday, inclusive, and no bingo shall be played on a Sunday. No alcoholic beverages shall be served during any bingo session.

(g) No person under the age of 19 years shall be permitted to play any game or games of bingo conducted pursuant to any permit issued under this law. No person under the age of 19 years shall be permitted to conduct or assist in conducting any game of bingo pursuant to this act.

Section 7. Each permit holder shall maintain the following records pertaining to each bingo session for at least one year from the date of the session:

(1) An itemized list of gross receipts for each session.

(2) An itemized list of all expenses, including the name of each person to whom the expenses are paid, and a receipt or invoice for all expenses.

Section 8. (a) On or before April 15, after this act has been in effect for one year, and on or before April 15 of each calendar year thereafter, each permit holder shall file with the respective city clerk a copy of the records required in Section 7 of this act relating to the operation of bingo sessions in the previous calendar year.

(b) The records required to be kept pursuant to Section 7 of this act by the permit holder for the preceding one year shall be open to inspection by the sheriff, municipal officials, any law enforcement agency, or the duly authorized representatives of either during reasonable business hours.

(c) The location at which bingo is being conducted, or at which an applicant or permit holder intends to conduct bingo, shall be open to inspection during regular business hours by the sheriff, municipal officials, or any law enforcement agency.

Section 9. The sheriff or chief of police of the respective municipality may revoke any permit if the permit holder or any officer, director, agent, member, or employee of the permit holder violates this act or rules promulgated pursuant to this act. The revocation shall become effective 10 days after notice, by certified mail, to the permit holder unless within the 10-day period the permit holder makes a written request for a hearing to the governing body of the respective city. All existing rules and procedures for meetings and hearings before the governing bodies of Hartselle, Falkville, or Decatur, shall apply unless in direct conflict with this act. Following a full hearing and the rendering of a written decision by the governing bodies of the respective cities, either party may appeal the decision directly to the circuit court of Morgan County and request a trial by jury. The rendering of a decision adverse to the permit holder by the municipal governing body shall result in the immediate revocation of the permit.

Section 10. (a) A permit holder whose permit or special permit is revoked for a violation of this act or a rule promulgated under this act is ineligible to apply for a permit for a period of one year after the revocation.

(b) A person convicted of an offense under Section 12 of this act or any other gambling offense is ineligible to serve as an officer, a permit holder, or to participate in conducting bingo for a period of one year after the conviction becomes final. If the person is licensed pursuant to this act, the person shall forfeit the permit and is ineligible to apply for the issuance or reissuance of the permit for a period of one year from the date of conviction.

(c) If the permit is revoked, in addition to other penalties which may be imposed, the police chief may declare the violator ineligible to conduct a bingo game or apply for a permit under this act for a period not exceeding one year.

(d) The permit holder shall return its permit to the police chief on or before the effective date of a revocation or forfeiture. Whether returned or not, the permit shall not be valid beyond the effective date of the revocation or forfeiture.

Section 11. The circuit court of the county shall have jurisdiction to restrain or enjoin violations of this act and shall afford trial by jury for all appeals directed to it for alleged violations of this act leading to revocations of existing permits.

Section 12. Any person who violates this act shall be guilty of a Class C misdemeanor upon first conviction under this act. Any subsequent conviction shall be a Class A misdemeanor.

Section 13. Any device, equipment, record, money, or stakes used in any bingo game or operation in violation of this act, may be contraband and may be seized and be forfeited. Property forfeited may be sold, destroyed, or retained for official use by the municipal, county, state, or law enforcement agencies, as the circuit court directs following a full due process hearing.

Section 14. Any other law providing a penalty or disability on a person who conducts or participates in bingo games, who possesses equipment used in conducting bingo, who permits bingo to be conducted on his or her premises, or who performs other acts in connection with bingo, shall not apply to the conduct when done pursuant to this act or rules promulgated under this act.

Section 15. This act shall not be interpreted to permit bingo in any part of the City of Decatur outside of Morgan County.

Section 16. This act is severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are repealed.

Section 18. This act shall become operative upon the adoption of an amendment to the Constitution of Alabama of 1901, authorizing bingo in the Cities of Hartselle and Falkville and that portion of the City of Decatur in Morgan County.

Section 19. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 65; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Vance and Willis.

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Nay:

Representative Payne.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 463. To amend Section 41-16-3, Code of Alabama 1975, relating to public contracts, to provide for the timely payment by a contracting party to subcontractors.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Knight (J), the House concurred in and adopted the Senate amendment to the bill, H. 463, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 41-16-3, Code of Alabama 1975, relating to public contracts; to provide for the timely payment by a contracting party to subcontractors and withholding of payment under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-16-3, Code of Alabama 1975, is amended to read as follows:

"§41-16-3.

"(a) Whenever the state of Alabama is a party to any contract, ~~said the~~ contract ~~must~~ shall be executed by all parties in a timely fashion. When a party to a contract, other than the state, has fully executed his ~~the~~ responsibility under the contract and there remains only the payment of funds by the state, ~~said payment must~~ shall be made in a timely manner. If the amount due by the state is not in dispute, payment ~~must shall~~ be made within 30 days after the other party has completed his ~~or her~~ portion of the contract and presented a proper invoice. If the amount payable is not paid within 30 days, interest on ~~said the~~ amount shall be charged. A party who receives a payment from the state in connection with a contract shall pay each of its subcontractors or sub-subcontractors the portion of the state's payment to the extent of that subcontractor's or sub-subcontractor's interest in the state's payment in accordance with the payment terms agreed to by the contractor and the subcontractor, but if payment terms are not agreed to, then within seven days after receipt of payment from the state. The payment shall include interest, if any, that is attributable to work performed by the subcontractor or sub-subcontractor. Said The interest rate shall be the legal amount currently charged by the state. Said interest Interest shall be paid from the same fund or source from which the contract principal is paid. If the amount due by the state is in dispute, the state is hereby required to notify the other party of the fact that it was questioning the amount of the invoice within 15 days after receipt of the invoice. Nothing in this subsection shall prevent the state, contractor, or subcontractor from withholding payments if there is a bona fide dispute over one or more of the following:

"(1) Unsatisfactory job progress.

"(2) Defective construction not remedied.

"(3) Disputed work.

"(4) Third party claims filed or reasonable evidence that a claim will be filed.

"(5) Failure of the contractor, subcontractor, or sub-subcontractor to make timely payments for labor, equipment and materials.

"(6) Property damage to owner, contractor, or subcontractor.

"(7) Reasonable evidence that the contract, subcontract, or sub-subcontract cannot be completed for the unpaid balance of the contract or contract sum.

"(b) In the event that there is a bona fide dispute over all or any portion of the amount due on a progress payment from the owner, contractor, or subcontractor then the owner, contractor, or subcontractor may withhold payment in an amount not to exceed two times the disputed amount.

"(c) An owner is required to notify a contractor in writing within 15 days of receipt of any disputed request for payment. A contractor, subcontractor, and sub-subcontractor is required to provide written notification within five days of disputed request for payment or notice of disputed request for payment.

"(d) The amount of retainage withheld by the contractor to the subcontractor or the subcontractor to the sub-subcontractor shall not exceed the retainage withheld by the state unless interest is applied to the withheld amount."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Townsend, Vance, Venable, Willis and Wren.

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REPORT OF COMMITTEE OF CONFERENCE ON H. 732

We, the Committee of Conference appointed to reconcile the difference between the two houses concerning H. 732, have met, considered the matter, and agreed to the following:

Respectfully submitted,

RONALD G. JOHNSON
LARRY P. SIMS
BARBARA B. BOYD

Conferees on the part of the House

ROY SMITH
BILL ARMISTEAD
DELL HILL

Conferees on the part of the Senate

A BILL
TO BE ENTITLED
AN ACT

Relating to Talladega County, to propose an amendment to the Constitution of Alabama of 1901, to establish the Talladega County Judicial Commission and provide for the filling of vacancies in the office of judge of the circuit court, judge of the district court, and district attorney.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

In Talladega County, all vacancies in the offices of judge of the circuit court, judge of the district court, and district attorney shall be filled in the manner and for the time as provided in this amendment.

The Talladega County Judicial Commission is created for the purpose of nominating to the Governor persons for appointment to any vacancy in the offices of judge of the circuit court, judge of the district court, and district attorney. The five members of the commission shall consist of the following: The presiding judge of the Circuit Court of Talladega County, as a nonvoting ex officio member who may only vote in the event of a tie vote among the other four members of the commission, and who shall preside over all meetings of the commission; the commissioner of the Alabama State Board of Bar Commissioners representing Talladega County, as an ex officio voting member; and three residents of Talladega County who are not members of the Alabama State Bar. Appointed members shall serve for terms of four years. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as the member was originally chosen. The term of office for the initial appointed members of the commission shall begin immediately upon appointment.

The nonlawyer members of the commission shall be appointed by mutual consent of the members of the state Legislature who represent Talladega County. The nonlawyer members of the commission shall not be eligible to serve two successive terms.

The presiding judge of the Circuit Court of Talladega County shall certify in writing to the Judge of Probate of Talladega County his or her own name and the name of the Alabama State Bar Commissioner representing Talladega County, as ex officio members. The appropriate members of the state Legislature representing Talladega County shall certify in writing to the Judge of Probate of Talladega County the names of the three resident members appointed to the commission.

The Judge of Probate of Talladega County shall record all certificates of election and shall safely and permanently keep the original and all subsequent certificates of election. Immediately upon receipt and recordation of a certificate of election, the judge of probate shall send a certified copy to the Governor.

No member of the commission shall seek appointment as a judge of the circuit court, judge of the district court, or district attorney during the term of office for which the member has been selected.

The members of the commission shall not receive any salary or other compensation for their service as members. No appointed member of the commission shall hold any public office. No member of the commission shall hold any official position in any political party.

If, after the ratification of this amendment, a vacancy occurs in Talladega County in the offices of judge of the circuit court, judge of the district court, or district attorney, the presiding judge of the Circuit Court of Talladega County shall call a meeting of the commission to fill the vacancy. The commission shall nominate three persons having the qualifications for the vacant office. The nominations shall be made only by the concurrence of a majority of the members of the commission. The presiding judge of the circuit court shall certify the three nominees to the Governor, who shall appoint one to the office in which the vacancy exists. If the Governor fails to make an appointment from the submitted list within 30 days from the date of submission, the appointment shall be made from the list by the Chief Justice of the Supreme Court of Alabama. If the appointment is for a judicial vacancy, the appointee shall hold office for an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after completing one year in office. At the election, the judicial office shall be filled for a full term of office beginning at the end of the appointed term. If the appointment is for the office of district attorney, the appointee shall hold office for the term or the remainder of the unexpired term as provided by law.

Section 2. An election upon the proposed amendment shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Talladega County, proposing an amendment to the Constitution of Alabama of 1901, to establish the Talladega County Judicial Commission and provide for the procedure for filling vacancies in the office of judge of the circuit court, judge of the district court, and district attorney.

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This description shall be followed by the following language:

"Yes () No ()."

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Johnson (R), the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 732, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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SPECIAL ORDER CALENDAR

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Moore, the Budget Isolation Resolution relating to the bill, S. 27, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 27. To amend Section 32-14-5 of the Code of Alabama 1975, to exempt driver improvement schools operated by the American Association of Retired Persons from the Driver Training School License Act.

was read a third time at length and passed.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Maul, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 9. To amend Section 6-2-8, Code of Alabama 1975, which relates to the extension of the time for the commencement of certain civil actions; actions for entry upon land; or defenses based on title to real property, to remove the extended period of time allowed for the commencement of a civil action by certain persons imprisoned on a criminal charge for a term less than life.

Also:

S. 194. To amend Sections 6-5-548 and 6-5-549, Code of Alabama 1975; to further provide for similarly situated health care providers; to prohibit discovery of the limits of liability insurance coverage in certain legal actions against health care providers; to provide which health care providers may testify as specialists; and to require that a jury shall be reasonably satisfied by substantial evidence that the standard of care was breached and that the breach caused the injury before returning a verdict against a health care provider.

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Also:

S. 407. Relating to Hale County; to provide the collection and disposition of a special indexing fee.

Also:

S. 654. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

Also:

S. 655. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

Also:

S. 660. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County.

Also:

S. 707. To amend Section 4 of Act No. 756, S. 861, 1975 Special Session (Acts 1975, p. 1536), to reopen the Employees' Retirement System of the City of Montgomery for purchase of credit in the system for certain prior service with the state.

Also:

S. 729. Relating to Tuscaloosa County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, S. 20, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 20. To amend Section 16-22-1 of the Code of Alabama 1975 granting certain persons employed by certain institutions and colleges police powers; to further provide for police powers for police officers employed by Samford University or Birmingham-Southern College.

was read a third time at length and passed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 270. To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

Also:

S. 591. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

Also:

S. 593. To propose an amendment to the Constitution of Alabama of 1901, relating to Marengo County, to place the judge of probate of the county on a salary basis and to provide that the fees of the judge of probate would be placed in the county treasury effective January 1 after its approval.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Morrow offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 245.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Clark (W):

H.R. 572. COMMENDING ALPHONSE WILLIAMS, SR., ON HIS PROFESSIONAL ACHIEVEMENTS.

RECESS

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:15 o'clock p.m.

HOUSE RECONVENED

The hour of 1:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 203. To provide that county commissions may collect or contract or the collection of all local taxes that are levied or authorized to be levied by a general or local act.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 612. To make an appropriation from the State General Fund for the relief of Freddie Lee Gaines of Jefferson County wrongfully convicted of murder and incarcerated for thirteen years.

WHEREAS, in 1972, Freddie Lee Gaines was arrested and held without bond for first degree murder; and

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WHEREAS, on October 23, 1974, Mr. Gaines was convicted of first degree murder and sentenced to 30 years; and

WHEREAS, Mr. Gaines was released from prison on July 6, 1985; and

WHEREAS, on August 17, 1990, in Jacksonville, Florida, while in police custody, Larry Cohen confessed to both of the murders to which Mr. Gaines was charged; and

WHEREAS, on February 12, 1991, the District Attorney in Jefferson County moved and the trial court granted Petition for Relief from conviction; and

WHEREAS, the pain and suffering wrongfully endured by Mr. Gaines and his family are regrettable, and the state is morally obligated to make compensation, but Mr. Gaines has no recourse at law to recover same; now therefore,

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Morrow to the bill, S. 245, and the Budget Isolation Resolution was adopted.

Yeas 57; Nays 2.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carothers, Clouse, Crigler, Dean, Dolbare, Dukes, Ford, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Penry, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Turner, Warren, White, Willis and Wren.

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Nay:

Representatives Gaines and Thomas (D).

And the bill:

S. 245. (With Amendment): To provide that students who are found to be in possession of illegal drugs, alcohol, or deadly weapons on a school campus would be expelled for one school year; to provide that the students would not be eligible to attend any public schools in this state; to provide that expelled students may be allowed to attend alternative schools; and to provide for notification of the expulsion to parents of the students.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, S. 245, said committee amendment being as follows:

Amend S. 245 on Page 1, Line 14, after the word "drugs," strike the following word: ~~alcohol~~

Further amend S. 245 on Page 2, Line 3, after the word "drugs," strike the following word: ~~alcohol~~

Further amend S. 245 on Page 3, Line 2, by striking the first word of the sentence as follows: ~~alcohol~~

Further amend S. 245 on Page 3, Line 5, after the word "drugs," by striking the following word: ~~alcohol~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 1.

Yea:

Mr. Speaker, Allen, Box, Burke, Carothers, Clouse, Curry, Dolbare, Dukes, Ford, Gaines, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), McKee, McMillan, Melton, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Petelos, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Willis and Wren.

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Nay:

Representative Thomas (D).

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 405. Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 111. Relating to the compilation of the Code of Alabama 1975, prohibiting the altering of the sense, meaning, or effect of any act by the Code Commissioner in compiling the code; permitting the performance of specified editorial work by the Code Commissioner; providing that upon the adoption and

incorporation of the annual cumulative supplement and each replacement volume into the code by statute, that supplement or replacement volume would be considered as part of the entire Code of Alabama and construed in the same manner as all other portions of the code; providing that this adoption and incorporation would constitute a continuous systematic codification of the entire code; providing that the statute specifying this adoption and incorporation would be construed as a law adopting a code; and declaring certain legislative findings.

Also:

H. 497. To make the exploitation of bears by bear wrestling for profit unlawful; to provide for Class B felony penalties, forfeiture and custody of the bear or bears used in the exploitation, and restitution.

McDOWELL LEE
Secretary

S. 245 RESUMED

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, S. 245, as amended:

On page 1, line 19 delete the words "may be allowed to" and insert the word "shall" in lieu thereof.

On page 1, line 20 insert the following after the semicolon: "provide that a minimum of one-third of the school day of such students shall be devoted to counseling of the student;"

On page 2, line 7 delete the words "may be allowed to" and insert the word "shall" in lieu thereof.

On page 2, line 7 insert the following after the semicolon: "to provide that a minimum of one-third of the school day of such students shall be devoted to counseling of the student;"

On page 3, line 11 delete the words "may be permitted to" and insert the word "shall" in lieu thereof.

On page 3, line 12 insert the following after the period: "While in attendance at the alternative school, at least one-third of the school day of students expelled pursuant to this act shall be devoted to counseling of the student."

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AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Ford, Gaines, Gaston, Gipson, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, McKee, McMillan, Melton, Millican, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, White, Willis and Wren.

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Nay:

Representative Dolbare.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 245. Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

McDOWELL LEE
Secretary

S. 245 RESUMED

MOTION TO CARRY OVER OFFERED

Representative Carns offered the motion to carry over the bill, S. 245, as amended, to the thirtieth legislative day.

MOTION TO TABLE LOST

The motion offered by Representative Morrow to table the motion offered by Representative Carns to carry over the bill S. 245, as amended, to the thirtieth legislative day was lost.

Yeas 27; Nays 32.

Yea:

Representatives Carothers, Collins, Dolbare, Drake, Ford, Galliher, Gaston, Graham, Hall (A), Hammett, Hawk, Hill, Hilliard, Hinshaw, Jackson, Johnson (R), Laird, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Robinson, Spratt, Starkey and Venable.

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Nay:

Mr. Speaker, Carns, Carter, Clouse, Curry, Dean, Dukes, Gaines, Haney, Houston, Jorgensen, Knight (J), McAdory, McKee, McMillan, Morton, Newton (C), Papucci, Parker (P), Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, White and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 737. To repeal Section 40-2-24 of the Code of Alabama 1975, which requires Department of Revenue Division Chiefs to receive salaries of Attorney III supervisor.

Also:

H. 777. Relating to organ and tissue donation for medical purposes; to further provide the procedure for the designation of organ donors on motor vehicle driver's licenses and nondriver identification cards; and to provide for emergency medical personnel to take reasonable steps to transmit organ donation information to hospitals and other health care facilities in the case of accidents and traumas.

McDOWELL LEE
Secretary

S. 245 RESUMED

The question was then on the motion offered by Representative Carns to carry over the bill, S. 245, as amended, to the thirtieth legislative day, and the motion to carry over was adopted.

Yeas 37; Nays 27.

Yea:

Mr. Speaker, Carns, Carter, Clouse, Crigler, Curry, Dean, Dukes, Gaines, Hall (A), Haney, Houston, Jackson, Laird, McAdory, McKee, McMillan, Morrow, Morton, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Warren, White and Wren.

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Nay:

Representatives Box, Boyd, Burke, Carothers, Collins, Dolbare, Drake, Ford, Galliher, Gaston, Graham, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Johnson (E), Johnson (R), Melton, Millican, Minnifield, Morrison, Murphree, Spratt and Starkey.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Hill offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 119.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Newton (D), the bill, S. 119, and the pending Budget Isolation Resolution were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 35. To amend Section 6-2-33 of the Code of Alabama 1975, which provides for the statute of limitations for certain civil actions against sheriffs,

coroners, constables, and other public officers for nonfeasance, misfeasance and malfeasance in office, to further provide that the statutory period for action against the officers would apply only to actions brought by or on behalf of the State of Alabama, a county, a municipality, or other political subdivision of the state; and to provide an effective date.

Also:

S. 126. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities; and to further provide for the payments for the sale or rental of voting machines or equipment to the governmental entity owning the machines.

Also:

S. 207. To provide for the operation and use of coin-operated games or devices designed and manufactured for bona fide amusement purposes and provide penalties for violations.

Also:

S. 255. Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

Also:

S. 303. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

Also:

S. 308. To amend Sections 36-1-7 and 36-29-22, Code of Alabama 1975, to provide for the appointment of a state employee to the Employee Suggestion Award Board and the Flexible Employees Benefit Board in lieu of the executive director of the Alabama State Employees Association.

Also:

S. 521. Relating to Choctaw County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

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Also:

S. 706. To authorize Baptist Medical Center situated in Montgomery County, Alabama, an Alabama nonprofit corporation and an affiliate of Baptist Health Services Corporation, to employ suitable persons as police officers; to specify the powers and jurisdiction of the police officers.

Also:

S. 738. Relating to Tuscaloosa County; to amend Act No. 56, 1953 Regular Session, as amended by Act No. 94-554, 1994 Regular Session, (Acts, p. 1010), to further authorize the levy of sales and use taxes with respect to selling, storing, using, or otherwise consuming retail machines used in the mining, quarrying, compounding, processing, and manufacturing of tangible personal property.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 46. To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, to provide further for the individuals who may qualify as supernumerary judges.

Also:

S. 203. To provide that county commissions may collect or contract or the collection of all local taxes that are levied or authorized to be levied by a general or local act.

Also:

S. 613. To amend Section 40-9B-3 of the Code of Alabama 1975, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories to include refined petroleum pipelines which may qualify for tax abatements.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 78. CREATING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE RESTORATION AND REPAIR OF THE CABINS AND OTHER STRUCTURES BUILT BY THE CIVILIAN CONSERVATION CORPS DURING THE DEPRESSION.

Also:

S.J.R. 119. DESIGNATING A PORTION OF HIGHWAY 280 EAST IN SHELBY COUNTY A SCENIC HIGHWAY.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Ghee:

S.J.R. 128. AMENDING SJR 8, 1996 FIRST SPECIAL SESSION, CREATING THE JOINT INTERIM LEGISLATIVE COMMITTEE ON COMPUTER ACCESS TO THE ALABAMA LEGISLATURE, TO EXTEND REPORTING TIME TO 20TH DAY OF 1997 REGULAR SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the last full paragraph of SJR 8, 1996 First Special Session is amended to read as follows:

"The committee shall report its findings and conclusions, which shall include a demonstration project and recommendations, to the Legislature at the first opportunity or no later than the 20th legislative day of the 1997 Regular Session, at which time the committee shall be dissolved and discharged of any duties and liabilities."

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 128, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Moore offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 264.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Ford, the bill, S. 264, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Box offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 137.

MOTION TO TEMPORARILY CARRY OVER OFFERED

Representative Hall (A) offered the motion to temporarily carry over the bill, S. 137, and the pending Budget Isolation Resolution.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Representative Box, the motion offered by Representative Hall (A) to temporarily carry over the bill, S. 137, and the pending Budget Isolation Resolution was tabled.

Yeas 31; Nays 28.

Yea:

Representatives Baker, Black (M), Box, Buskey, Curry, Dean, Dolbare, Galliher, Gaston, Gipson, Hamilton, Haney, Hawkins, Hilliard, Laird, Lindsey, McKee, McMillan, Melton, Morton, Page, Parker (P), Payne, Perdue, Petelos, Reed, Rogers (M), Smith, Spratt, Townsend and Wren.

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Nay:

Representatives Bandy, Burke, Carter, Clouse, Graham, Guin, Hall (A), Hall (L), Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (E), McAdory, Moore, Morrow, Murphree, Robinson, Sanderford, Seibenhener, Sims, Starkey, Thomas (J), Turnham, Vance, Warren and White.

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NOTICE IN WRITING FILED

Representatives Guin, Baker, Seibenhener, Gaines, Clouse, Crigler, Dean, Vance, Wren, Sims, Murphree, Robinson, Gipson, Papucci, Hinshaw, Allen, Jorgensen, Galliher, Graham, Dukes, Box, Minnifield, Johnson (E), Morrison, Mitchell, Bandy, Boyd, Hayden, Black (L), Hawk, Thomas (D), Jackson, McKee, Hill, Carns, McMillan and Gaston filed the following Notice in Writing:

Notice is given in accordance with the Rules of the House of Representatives that on the next legislative day, a motion will be made to amend Rule 11 of the Rules of the House of Representatives of Alabama as follows:

"Rule 11. No special order for the consideration of bills shall be set except by a resolution reported from the Committee on Rules and adopted by a vote of a majority of the members present and voting.

"For any bill to be considered on and after the fifth legislative day until the 28th legislative day of a regular session, a Special Order Resolution shall be adopted one legislative day in advance of consideration of that bill.

"Such resolution may limit the time each bill may be considered before proceeding with other business.

"Any resolution from the Committee on Rules setting a special order may be amended or substituted on the floor of the House by a vote of a three-fifths majority of the members present and voting."

MOTION TO REMOVE FROM TABLE ADOPTED

Having voted on the prevailing side by which the motion offered by Representative Hall (A) to temporarily carry over the bill, S. 137, and the pending the Budget Isolation Resolution was tabled, Representative Galliher offered the motion to remove the motion from the table, and the motion was adopted.

Yeas 60; Nays 17.

Yea:

Mr. Speaker, Baker, Bandy, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Gaines, Galliher, Gaston, Gipson, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrow, Morton, Papucci, Parker (P), Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Venable, Warren, White and Willis.

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Nay:

Representatives Black (M), Box, Burke, Collins, Dolbare, Graham, Guin, Hamilton, Hogan, Lindsey, Murphree, Payne, Reed, Townsend, Turnham, Vance and Wren.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

The question was then on the motion offered by Representative Hall (A) to temporarily carry over the bill, S. 137, and the pending Budget Isolation Resolution, and the motion was adopted.

Yeas 42; Nays 33.

Yea:

Representatives Bandy, Carter, Clouse, Crigler, Gaines, Galliher, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Knight (A), Layson, McAdory, McKee, McMillan, Melton, Moore, Morrison, Morrow, Newton (D), Papucci, Parker (P), Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Warren, Willis and Wren.

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Nay:

Representatives Black (M), Box, Boyd, Burke, Collins, Curry, Dean, Dolbare, Dukes, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Johnson (R), Laird, Lindsey, McDaniel, Minnifield, Morton, Murphree, Page, Parker (T), Payne, Rogers (M), Smith, Starkey, Townsend, Turner, Turnham, Vance and Venable.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 520. RECOGNIZING MRS. BAMA S. GRAY OF FAIRFIELD, ALABAMA.

Also:

H.J.R. 539. COMMENDING STEPHANIE WILLIAMS FOR HER OUTSTANDING PERFORMANCE.

Also:

H.J.R. 541. COMMENDING MEMBERS OF GIRL SCOUT TROOP 488 FLAG CORPS FOR OUTSTANDING PERFORMANCE.

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Also:

H.J.R. 542. COMMENDING WEATHERS BOLT FOR ASSISTING IN THE HOUSE WAYS AND MEANS COMMITTEE'S MOBILE MEETING.

Also:

H.J.R. 551. EXPRESSING THE INTENT OF THE LEGISLATURE THAT EXISTING JURISDICTIONS OF FIRE DISTRICTS NOT BE INFRINGED UPON BY EXPANDING POLICE JURISDICTIONS.

Also:

H.J.R. 552. A RESOLUTION CREATING A JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COMMUNITY SERVICES GRANTS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 103. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state

agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Newton (D), the House concurred in and adopted the Senate amendment to the bill, H. 103, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-13-5, Code of Alabama 1975, is amended to read as follows:

"§36-13-5.

"The governor must cause to be copyrighted, for the use and benefit of the state, Code Commissioner shall have each volume of the pamphlet acts of the legislature at each session thereof and each volume of this Code the code copyrighted for the use and benefit of the state."

Section 2. Section 41-21-1, Code of Alabama 1975, is amended to read as follows:

"§41-21-1.

"(a) A state agency, department, institution, bureau, board, commission, or office may purchase, from any of its available funds, sets of the Code of Alabama 1975, or any portion of the code, including, but not limited to, supplements, replacement volumes, and indexes, in any form or medium.

~~"(b) It shall be the duty of the~~ The secretary of state, on publication and delivery to the state, ~~to shall~~ transmit sets of the ~~1975~~ Code of Alabama 1975, and supplements or replacement volumes thereof, as follows: ~~to the following agencies, departments, institutions, bureaus, boards, commissions and offices:~~

~~"(1) One set to the law library of congress;~~

~~"(2)~~ (1) One set to the custodian of the law library of the court of last resort of every state and territory for exchange upon the approval of the state law librarian of the request therefor;.

~~"(3) One set to the library of the University of Alabama and one set to the land commissioner of the University of Alabama;~~

~~"(4)~~ (2) Two sets to each member of the legislature, including the lieutenant governor, for each legislative term, and to the clerk of the house and to the secretary of the senate; A request shall be presented by a Member of the Legislature or the Lieutenant Governor to the Secretary of State prior to the issuance of the sets of the code to the Member or the Lieutenant Governor.

~~"(5) One set to the library of each junior college, trade school, technical college and public institution of higher education;~~

~~"(6)~~ (3) Ten sets to the librarian of the supreme court and state law library for the use of the library;.

~~"(7) Two sets to the department of archives and history;~~

~~"(8) Four sets to the governor's office;~~

~~"(9) Fifty five sets to the attorney general's office;~~

~~"(10) Eleven sets to the legislative reference service;~~

~~"(11)~~ (4) Four sets to the department of court management; Administrative Office of Courts.

~~"(12) Three sets to the state superintendent of education;~~

~~"(13) Seven sets to the department of mental health;~~

~~"(14) Ten sets to the department of public safety;~~

~~"(15) Two sets to the department of agriculture and industries;~~

~~"(16) Three sets to the alcoholic beverage control board;~~

~~"(17) Three sets to the banking department;~~

~~"(18) Two sets to the state military department;~~

~~"(19) Three sets to the state department of insurance;~~

~~"(20) Five sets to the board of corrections;~~

~~"(21) Five sets to the health department;~~

~~"(22) Four sets to the department of industrial relations;~~

~~"(23) Two sets to the retirement systems of Alabama;~~

~~"(24) Six sets to the finance department;~~

~~"(25) Four sets to the pardons and paroles board;~~

~~"(26) Four sets to the conservation and natural resources department;~~

~~"(27) Five sets to the highway department;~~

~~"(28) Three sets to the department of labor;~~

~~"(29) Five sets to the public service commission;~~

~~"(30) Five sets to the department of pensions and security;~~

~~"(31) Ten sets to the department of revenue;~~

~~"(32) Five sets to the state toxicologist;~~

~~"(33) One set to each functioning agency, department, institution, bureau, board and commission of state government not otherwise provided for by this chapter, upon application therefor to the secretary of state;~~

~~"(34) One set each to every congressman and representative from the state of Alabama in the congress of the United States;~~

~~"(35) One set each to every sheriff;~~

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~~"(36) One set to the commission of each county for use of said county commission and for use of the tax assessor, tax collector and other county officers to whom distribution is not otherwise provided;~~

~~"(37)(5) One set to the circuit court of each county and, in counties having two courthouses, one set for the office of the circuit clerk maintained in each of said the courthouses;~~

~~"(38)(6) One set to the register of the circuit court in every county and, in counties having two courthouses, one set to the office of the register maintained in each of said the courthouses; provided, however, that in counties where the offices of circuit clerk and of register are held by the same person, only one set shall be provided;~~

~~"(39)(7) One set to the clerk of the district court and juvenile court in counties where clerks offices for these courts are maintained;~~

~~"(40)(8) One set to the probate judge of probate of each county;~~

~~"(41)(9) One set to every justice of the supreme court and every judge of the court of criminal appeals and court of civil appeals and one set to each law clerk or research assistant thereof;~~

~~"(42)(10) One set each to the clerk of the supreme court, court of criminal appeals, and court of civil appeals and the reporter of decisions;~~

~~"(43)(11) One set to every judge of the circuit and district courts;~~

~~"(44) One set to every district attorney and deputy district attorney;~~

~~"(45) One set to the office of the secretary of the senate for the use of the senate and one set to the office of the clerk of the house of representatives for the use of the house of representatives;~~

~~"(46) One set to the mayor or other executive or presiding officer of each municipality for use of such municipality;~~

~~"(47) Two sets to the Alabama state bar association; and~~

~~"(48)(12) Five Six sets to the clerk of the house of representatives and five six sets to the secretary of the senate."~~

Section 3. Section 41-21-4, Code of Alabama 1975, is amended to read as follows:

"§41-21-4.

"(a) Any contract to publish the official code of the statutes of Alabama under Section 29-7-6 may relate to any medium or form of the code and shall not be subject to the competitive bid laws of the state, including, but not limited to, Article 2 (commencing with Section 41-16-20) and Article 3 (commencing with Section 41-16-50) of Chapter 16 of this title.

"(b) The publisher of the 1975 Code of Alabama is hereby authorized to A person under contract with the state to publish the official code of the statutes of Alabama may sell said annotated the code or any portion of the code, in any form or medium, pursuant to the contract to any person, firm, or corporation within or without outside the state, so long as the same are available for sale if it is sold at prices as may be determined and fixed by said the publisher and the governor Legislative Council."

Section 4. Section 41-21-5, Code of Alabama 1975, is amended to read as follows:

"§41-21-5.

"Except those sets of codes distributed to members of the legislature and the lieutenant governor persons specified in subdivision (2) of subsection (b) of Section 41-21-1, the title to a set of the code, or any portion of the code, including, but not limited to, supplements, replacement volumes, and indexes, in any medium or form, purchased by a state agency, department, institution, bureau, board, commission, or office under this chapter, the title to all of the sets of the annotated code, the distribution of which to officers and offices of the state and the several counties and municipalities thereof is provided for in this chapter, shall forever remain in the state of Alabama and said sets shall never shall belong to the state and shall not become the personal property of any person or corporation, however long they shall have had possession of the set or portion of the set thereof. Officers, employees, and agents of the state and of the several counties thereof to whom who receive a set or portion of a set, in any medium or form, of said annotated the code is transmitted by the secretary of state under the provisions of this chapter paid for with public funds, upon the severance of their connection with their offices, employments or agencies state agency, department, institution, bureau, board, commission, or office, shall deliver over to their successors, if any, and, if there are no successors, to the secretary of state, sets of the annotated the code or portion of the code, in any medium or form, in their custody. Upon the failure of any officer, employee, or agent to comply with the provisions of this section relative to the return of sets of annotated code in their custody, they, the person and the sureties upon their official bonds, if any, shall be liable for the value of the sets or volumes thereof set or portion of the code, in any medium or form, not returned, as required by this section, to be The value shall be recovered by action in the name of the state, commenced and prosecuted by the district attorney of the county of their respective residences in any where the person resides in a court of appropriate having jurisdiction of said action."

Section 5. Section 41-21-6, Code of Alabama 1975, is amended to read as follows:

"§41-21-6.

~~"It shall be the duty of the~~ The secretary of state to take shall maintain receipts from each public official of the state ~~and of the several counties to whom he distributes sets of said annotated the code or portion of the code, in any form or medium, were distributed by the Secretary of State under this chapter. And, in the event that the secretary of state shall transmit sets for the use of all of the officers of a county to one officer of the county for distribution to the several officers in said county entitled thereto, the officer making such distribution shall take receipts from the officers, agents or employees in said county to whom he distributes said sets, showing the number of sets distributed and the date of distribution, which said receipts must be witnessed by the officer distributing the same, and said receipts shall forthwith be sent by registered mail to the office of the secretary of state.~~

"The secretary of state shall register in a well-bound book, which shall be a permanent record in his the office, the name, official title, and address of every each public official, employee or agent of the state and of the several counties thereof to whom has been distributed sets of said annotated the code or portion of the code, in any form or medium, have been distributed by the Secretary of State under the provisions of this chapter. , and who has The book shall specify who signed a receipt therefor and shall record for the code, the date of said distribution, and the number of sets distributed to each such the officer, agent or employee. Upon the return of any sets or portions of sets, in any form or medium, by officers, agents, and employees of the state or of any county thereof, as provided in this chapter, the secretary of state shall note in said the record book the date of said return and the number of sets or volumes or portions of sets, in any form or medium, returned."

Section 6. Section 41-21-7, Code of Alabama 1975, is amended to read as follows:

"§41-21-7.

~~"The governor of the state of Alabama shall be and he is hereby authorized to Code Commissioner may contract for the preparation and publication of a compilation or abridgment in any form or medium of those sections of the Code of Alabama relating to a specific agency, department, institution, bureau, board, or commission, or subject which, in the opinion of the governor Legislative Council, is essential to the effective performance of the duties of said the agency, department, institution, bureau, board, or commission requesting the publication. Such A contract for the publication of such a compilation or abridgment may be entered into only after funds have been appropriated or is are otherwise available to such the agency, department, institution, bureau, board, or commission for such the publication. Such The compilation shall may be completely indexed and may include the annotations to the sections of the code included in the compilation."~~

Section 7. Section 41-21-8, Code of Alabama 1975, is amended to read as follows:

"§41-21-8.

"There is hereby appropriated, out of the moneys in the state treasury not otherwise appropriated, such amounts of money as are, or may be, necessary to carry out the provisions of this chapter relating to the distribution of the sets of said the code to the several state and county officers, agents and employees."

Section 8. Sections 41-21-2 and 41-21-3, Code of Alabama 1975, are repealed.

Section 9. Sections 2, 4, 5, 7, and 8 of this act shall become effective on October 1, 1996. The remaining sections of this act shall become effective immediately upon passage and approval by the Governor, or otherwise becoming a law.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren and Willis.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 463. To amend Section 41-16-3, Code of Alabama 1975, relating to public contracts; to provide for the timely payment by a contracting party to subcontractors and withholding of payment under certain conditions.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 788, without the Governor's signature and with a suggested Executive Amendment.

Done this 9th day of May, 1996.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 788, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 788:

Please amend House Bill No. 788 beginning on page 7, line 18 and continuing through page 8, line 10 by deleting Sections 2 and 3 in their entirety.

Further amend on page 8, line 11, by changing "Section 4" to read "Section 2".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this 9th day of May, 1996.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Haney, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 788, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 354. Relating to Morgan County; authorizing the governing bodies of the Cities of Hartselle, Falkville, and Decatur to regulate the operation of bingo games within their respective jurisdictions within Morgan County and providing for penalties.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 111. Relating to the compilation of the Code of Alabama 1975, prohibiting the altering of the sense, meaning, or effect of any act by the Code Commissioner in compiling the code; permitting the performance of specified editorial work by the Code Commissioner; providing that upon the adoption and incorporation of the annual cumulative supplement and each replacement volume into the code by statute, that supplement or replacement volume would be considered as part of the entire Code of Alabama and construed in the same manner as all other portions of the code; providing that this adoption and incorporation would constitute a continuous systematic codification of the entire code; providing that the statute specifying this adoption and incorporation would be construed as a law adopting a code; and declaring certain legislative findings.

Also:

H. 405. Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

Also:

H. 497. To make the exploitation of bears by bear wrestling for profit unlawful; to provide for Class B felony penalties, forfeiture and custody of the bear or bears used in the exploitation, and restitution.

Also:

H. 612. To make an appropriation from the State General Fund for the relief of Freddie Lee Gaines of Jefferson County wrongfully convicted of murder and incarcerated for thirteen years.

WHEREAS, in 1972, Freddie Lee Gaines was arrested and held without bond for first degree murder; and

WHEREAS, on October 23, 1974, Mr. Gaines was convicted of first degree murder and sentenced to 30 years; and

WHEREAS, Mr. Gaines was released from prison on July 6, 1985; and

WHEREAS, on August 17, 1990, in Jacksonville, Florida, while in police custody, Larry Cohen confessed to both of the murders to which Mr. Gaines was charged; and

WHEREAS, on February 12, 1991, the District Attorney in Jefferson County moved and the trial court granted Petition for Relief from conviction; and

WHEREAS, the pain and suffering wrongfully endured by Mr. Gaines and his family are regrettable, and the state is morally obligated to make compensation, but Mr. Gaines has no recourse at law to recover same; now therefore,

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 245. Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

Also:

H. 737. To repeal Section 40-2-24 of the Code of Alabama 1975, which requires Department of Revenue Division Chiefs to receive salaries of Attorney III supervisor.

Also:

H. 777. Relating to organ and tissue donation for medical purposes; to further provide the procedure for the designation of organ donors on motor vehicle driver's licenses and nondriver identification cards; and to provide for emergency medical personnel to take reasonable steps to transmit organ donation information to hospitals and other health care facilities in the case of accidents and traumas.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Burke to adopt the Budget Isolation Resolution relating to the bill, S. 391, was lost.

Yeas 38; Nays 49.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Carns, Carter, Drake, Gaston, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Holmes, Hooper, Jackson, Johnson (E), Lindsey, McAdory, McDaniel, Melton, Minnifield, Moore, Morrow, Murphree, Newton (C), Newton (D), Perdue, Robinson, Rogers (J), Smith, Spratt, Starkey, Vance, Venable and Warren.

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Nay:

Representatives Allen, Bandy, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gipson, Guin, Hall (A), Haney, Hill, Hogan, Houston, Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Millican, Mitchell, Morrison, Morton, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Thomas (J), Townsend, Turner, Turnham, White and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Millican inadvertently voted "Nay" and intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, S. 391.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, S. 713, was adopted.

Yeas 75; Nays 5.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Carns, Gaines, Haney, McKee and Rogers (M).

- 5

And the bill:

S. 713. To reopen the Employees' Retirement System for a certain time to allow an active and contributing member to purchase a certain amount of service credit in the system for certain prior service rendered while employed by a local district attorney.

was read a third time at length and passed.

Yeas 79; Nays 5.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Carns, Gaines, McKee, Rogers (M) and Seibenhener.

- 5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 20. To amend Section 16-22-1 of the Code of Alabama 1975 granting certain persons employed by certain institutions and colleges police powers; to further provide for police powers for police officers employed by Samford University or Birmingham-Southern College.

Also:

S. 27. To amend Section 32-14-5 of the Code of Alabama 1975, to exempt driver improvement schools operated by the American Association of Retired Persons from the Driver Training School License Act.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, S. 580, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 580. To propose the creation of the Tuskegee Airmen Commission; to provide for the membership, powers, and duties of the commission; to provide penalties for violations; and for other purposes.

was read a third time at length and passed.

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Yeas 101; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawk, the Budget Isolation Resolution relating to the bill, S. 267, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 267. To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the

court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

was read a third time at length and passed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, S. 217, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 832. To amend subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by nonprofit organizations for charitable and educational purposes, to provide that the amounts of prizes shall not exceed the amounts set by local law.

McDOWELL LEE
Secretary

S. 217 TAKEN UP

And the bill:

S. 217. Repealing Article 6 of Title 7 of the Code of Alabama 1975, commonly referred to as the Bulk Transfers Article of the Uniform Commercial Code.

was read a third time at length and passed.

Yeas 81; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Wren.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, S. 119, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 119. (With Amendment): Relating to juvenile delinquency; to amend Code of Alabama 1975: Section 12-15-53, to provide that a child alleged to be delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun shall be detained in custody until the required hearing; Section 12-15-61, to provide that, subject to conditions, a child alleged or adjudicated to be delinquent may be held in a jail for up to 60 days; and Section 12-15-71, to provide that, upon a child being adjudicated delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun, the weapon is forfeited and the court shall order that it be destroyed.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, S. 119, said committee amendment being as follows:

Amend S. 119 on Page 1, Line 25, after the words "for up to" strike the following" 60 and substitute in lieu thereof the following: 7

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

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Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 119, as amended, was read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, S. 264, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher,

Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 264. Relating to juvenile law enforcement; to amend Code of Alabama 1975: Section 12-15-100, to provide that juvenile court records may be copied by persons authorized to inspect them, by the principal of the school in which a child is enrolled, or a representative of the principal; Section 12-15-101, to provide that juvenile law enforcement records may be inspected by the principal of the school in which a child is enrolled, a representative of the principal, and the victim, or a representative of the victim, and to require the reporting of a child who has been adjudicated a serious juvenile offender or delinquent for conduct constituting a Class A or B felony if committed by an adult to the Alabama Criminal Justice Information Center; Section 12-15-102 to provide that law enforcement agencies, without prior permission, may obtain fingerprints, photographs, or DNA samples from a child alleged to be delinquent; Section 41-9-622, to provide that information concerning serious juvenile offenders may be used as information concerning adults is used; and Section 41-9-623, to provide that information concerning serious juvenile offenders must be provided to the Alabama Criminal Justice Information Center by law enforcement agencies.

was read a third time at length and passed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Moore, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 141.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Minnifield.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, S. 141, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-86

And the bill:

S. 141. (With Amendment): To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances; to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies; to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, S. 141, said committee amendment being as follows:

Amend S. 141 on Page 12, at the beginning of Line 10, by striking the following word: ~~professional~~;

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

AMENDMENT OFFERED

Representative Newton (D) offered the following amendment #1 to the bill, S. 141, as amended:

On page 6, line 27 by striking the words "attempted between 14 and"

On page 7, line 1, by adding the following sentence "Notice shall be served on the owner in accordance with the Alabama Rules of Civil Procedure. If personal service can not be made, service may be made by posting the papers at the property.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Newton (D) offered the following amendment #2 to the bill, S. 141, as amended:

On page 11, line 5, after the period insert the following:

The plaintiff is required by clear and convincing evidence to establish that the owner of the property who is not a resident or in actual possession of the property was criminally culpable in aiding and abetting in the drug related nuisance.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Newton (D) offered the following amendment #3 to the bill, S. 141, as amended:

On page 11, line 13, delete subsection (c) in its entirety and reletter subsections accordingly

On page 13, line 7, after the word "making" delete the word "an" and insert in lieu thereof: any

On page 13, line 7, delete the words "subsection (c)" and insert in lieu thereof: this act

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines,

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Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill, S. 141, as amended, was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Willis, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 709.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, S. 709, was adopted.

Yeas 55; Nays 1

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carter, Collins, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Knight (J), Laird, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Turner, Vance, Venable, White and Willis.

-55

Nay:

Representative Sims.

- 1

And the bill:

S. 709. Relating to Calhoun County; amending Act 89-711, H. 1019, 1989 Regular Session (Acts 1989, p. 1420), providing for a special indexing fee for the installation and maintenance of the improved system of archiving and the indexing of documents and for the improvement of the services of the Office of the Judge of Probate of Calhoun County.

was read a third time at length and passed.

Yeas 53; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Knight (A), Knight (J), Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Morrow, Morton, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Vance, Venable, White and Willis.

-53

Nay:

Representative Sims.

- 1

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Willis, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 710.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, S. 710, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Black (M), Boyd, Carns, Carter, Curry, Dean, Drake, Gaines, Gaston, Gipson, Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Knight (A), Knight (J), Lindsey, Mauli, McAdory, McClammy, McMillan, Melton, Minnifield, Morrow, Morton, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Vance, White and Willis.

-55

And the bill:

S. 710. (With Substitute): Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1 to the bill, S. 710, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Calhoun County portion of the proceeds of the levelized state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975, shall be collected by the Calhoun County Judge of Probate and paid to the Calhoun County Commission. The proceeds shall then be prioritized for distribution and expenditure according to the following sequence of numbers:

(1) One hundred sixty thousand dollars (\$160,000) of the proceeds shall then be paid monthly to the Calhoun County Economic Development Council which may share any portion thereof with the Fort McClellan Reuse and Redevelopment Authority.

(2) A portion of the remaining proceeds shall be allocated annually in equal amounts to each of the following:

a. Thirty thousand dollars (\$30,000) to the Anniston Museum of Natural History.

b. Thirty thousand dollars (\$30,000) to the Berman Museum.

c. Thirty thousand dollars (\$30,000) to the Native American Cultural Center, when established and requested by the Board of Directors of the Anniston Museum of Natural History. Until established, said thirty thousand dollars (\$30,000) shall be included in the distribution of proceeds under Section 3 hereinafter.

d. Thirty thousand dollars (\$30,000) to the Calhoun County Science Center, when established and requested by the Board of Directors of the Anniston Museum of National History or by a majority of the Calhoun County school districts superintendents. Until established, said thirty thousand dollars (\$30,000) shall be included in the distribution of proceeds under Section 3 hereinafter.

e. Any museum receiving funds under this section shall admit any student attending a public school in Calhoun County at no admission charge when the student is visiting the museum while on a school function or with an organized school group.

(3) Six-ninths of the remaining proceeds shall then be distributed annually to the custodian of county school funds who shall allocate the proceeds so that each school system in the county receives a share thereof on a per capita basis.

(4) One-ninth of the remaining proceeds shall then be distributed annually to the county general fund to be used by the county commission for general county purposes.

(5) Two-ninths of the remaining proceeds shall then be distributed annually to municipalities as follows:

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Anniston	28 1/2%
Jacksonville	28%
Oxford	21 1/2%
Piedmont	17%
Hobson City	2%
Ohatchee	2%
Weaver	1%

(b) All distributions of the proceeds from the excise tax on beer by the Calhoun County Commission prior to October 1, 1995, are ratified, validated, and confirmed.

Section 2. This act shall become effective immediately after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Black (M), Boyd, Clouse, Collins, Curry, Dolbare, Drake, Gaines, Galliher, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, Minnifield, Moore, Morton, Newton (D), Papucci, Parker (P), Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Vance, Venable and Willis.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Sims offered the following amendment to the bill, S. 710, as amended:

On page 2, delete entirely paragraphs "c." and "d." on lines 10 through 22 and redesignate the remaining paragraph "e." on line 23 accordingly to: c.

AMENDMENT LOST

And the amendment was lost.

Yeas 1; Nays 3.

Yea:

Representative Sims.

- 1

Nay:

Representatives Boyd, Rogers (M) and Willis.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 710, as amended was read a third time at length and passed.

Yeas 10; Nays 1.

Yea:

Representatives Boyd, Gipson, Hayden, Hill, Hogan, Knight (A), Maull, Payne, Rogers (M) and Willis.

-10

Nay:

Representative Sims.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 573. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-ninth legislative day, Thursday, May 9, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
S. 128 - By Mitchell (As Substituted)	19
Paternity, putative father registry, Human Resources Dept. to estab., effect on adoption if paternity not registered	
S. 18 - By Dixon	23
Motor vehicles, Alabama Shakespeare Festival, distinctive license plates, auth. for supporters of, distrib. of funds	
S. 463 - By Bailey (As Amended)	16
Juvenile ct., transfer of juvenile to adult ct. to include all lesser included offenses, Sec. 12-15-34 am'd.	
S. 164 - By Bailey	14
Abuse orders, mandatory criminal penalty for a willful violation, Secs. 30-5-10, 30-5A-3 am'd.	
S. 202 - By Freeman	5
Teachers' Retirement System, Employees' Retirement System, prior service credit with Job Corps, auth., Sec. 36-27-15.2 am'd.	

S. 156 - By Bailey	27
Deferred comp. plan, tax deferment under state income tax for public employees, same as for federal income tax purposes	
S. 146 - By Steele	16
Parole, deductions from sentences pursuant to Alabama Incentive Time Act for time served on parole, Sec. 14-9-42 am'd., retro. effect	
S. 428 - By Ghee	33
Commission on Higher Ed., auth to estab. program viability standards, termination and reinstatement of programs, off campus offerings req., Sec. 16-5-8 am'd.	
S. 652 - By Ghee	36
Calhoun Co., bingo regulation pursuant to Amendment 508, Constitution of Alabama of 1901, Bingo Regulatory Comm., estab.	
S. 432 - By Adams	34
Colleges and universities, capital projects req. to be approved by jt. Fiscal Committee, Comm. on Higher Ed. to advise, facilities master plan req., freeze on projects, Sec. 16-5-9 am'd.	
S. 557 - By Sanders (As Amended)	25
County Commissioners, comp. incr., Sec. 11-3-4.1 am'd.	
S. 425 - By Clay	4
Hotels and motels, rights of innkeepers and guests, penalties	
S. 139 - By Langford	13
Oil and gas, license fees paid to Revenue Dept. on transaction of 25 gallons or more, alt., Sec. 40-17-174 am'd.	
S. 351 - By Little	21
Child declared delinquent, court may require parents or guardians to ensure that child complies with terms of probation, exemptions	

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S. 181 - By Ghee 27

Distinctive license plates, Support the Arts, Arts Education License Plate Advisory Committee, estab., charitable deduction provided for

S. 507 - By Poole 18

Motor vehicles, load extending four feet beyond, orange flag or an amber strobe light, auth., Sec. 32-5-211 am'd.

S. 88 - By Bailey 8

Public Service Comm., meeting days provided in the event of a holiday, Sunset recommendations, Sec. 37-1-8 am'd.

S. 42 - By Figures 28

Motor vehicles, "Helping Schools" tag, Secs. 32-6-300, 32-6-301 am'd.

S. 45 - By Figures 28

Utilities, weatherization program, estab.

S. 120 - By Biddle 11

Massage Therapy, bd. estab., licenses regulated, penalties provided

S. 183 - By Ghee (As Amended) 2

Firearms, possession on school premises, Class B felony, Sec. 13A-11-72 am'd.

S. 73 - By Bailey 7

Cosmetology, Bd. of, terms of membs. clarified, Sunset recommendations, Sec. 34-7-40 am'd.

S. 191 - By Clay 7

Insurance companies, standard valuation law, capital req., disclosure, risk-based capital requirement extensively revised, Sec. 27-36-7 am'd.

MOTION TO ADOPT OFFERED

Representative Carter offered the motion to adopt the resolution, H.R. 573.

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the resolution, H.R. 573:

On page 2, delete lines 25 and 26 entirely, referring to S. 557.

AMENDMENT TABLED

On motion of Representative Carter, the amendment offered by Representative Dolbare to the resolution, H.R. 573, was tabled.

Yeas 33; Nays 32.

Yea:

Mr. Speaker, Black (M), Clouse, Collins, Dean, Drake, Dukes, Gaines, Gaston, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holmes, Houston, Knight (A), Lindsey, McAdory, Melton, Millican, Newton (D), Payne, Perdue, Pringle, Rogers (M), Spratt, Starkey, Thomas (D), Townsend, Venable and Warren.

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Nay:

Representatives Crigler, Dolbare, Galliher, Gipson, Graham, Guin, Hall (A), Hayden, Jackson, Kennedy, Laird, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Robinson, Sanderford, Seibenhener, Sims, Turner, Vance, White, Willis and Wren.

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SUBSTITUTE OFFERED

Representative Turner offered the following substitute to the resolution, H.R. 573:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-ninth legislative day, Thursday, May 9, 1996, taking precedence over the regular order of business or any pending or unfinished business:

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And the Following Bills:

Inst Id	Page
S. 128 - By Mitchell (As Substituted)	19
Paternity, putative father registry, Human Resources Dept. to estab., effect on adoption if paternity not registered	
S. 18 - By Dixon	23
Motor vehicles, Alabama Shakespeare Festival, distinctive license plates, auth. for supporters of, distrib. of funds	
S. 463 - By Bailey (As Amended)	16
Juvenile ct., transfer of juvenile to adult ct. to include all lesser included offenses, Sec. 12-15-34 am'd.	
S. 164 - By Bailey	14
Abuse orders, mandatory criminal penalty for a willful violation, Secs. 30-5-10, 30-5A-3 am'd.	
S. 202 - By Freeman	5
Teachers' Retirement System, Employees' Retirement System, prior service credit with Job Corps, auth., Sec. 36-27-15.2 am'd.	
S. 156 - By Bailey	27
Deferred comp. plan, tax deferment under state income tax for public employees, same as for federal income tax purposes	
S. 146 - By Steele	16
Parole, deductions from sentences pursuant to Alabama Incentive Time Act for time served on parole, Sec. 14-9-42 am'd., retro. effect	
S. 428 - By Ghee	33
Commission on Higher Ed., auth to estab. program viability standards, termination and reinstatement of programs, off campus offerings req., Sec. 16-5-8 am'd.	

S. 652 - By Ghee	36
Calhoun Co., bingo regulation pursuant to Amendment 508, Constitution of Alabama of 1901, Bingo Regulatory Comm., estab.	
S. 432 - By Adams	34
Colleges and universities, capital projects req. to be approved by jt. Fiscal Committee, Comm. on Higher Ed. to advise, facilities master plan req., freeze on projects, Sec. 16-5-9 am'd.	
S. 425 - By Clay	4
Hotels and motels, rights of innkeepers and guests, penalties	
S. 139 - By Langford	13
Oil and gas, license fees paid to Revenue Dept. on transaction of 25 gallons or more, alt., Sec. 40-17-174 am'd.	
S. 351 - By Little	21
Child declared delinquent, court may require parents or guardians to ensure that child complies with terms of probation, exemptions	
S. 181 - By Ghee	27
Distinctive license plates, Support the Arts, Arts Education License Plate Advisory Committee, estab., charitable deduction provided for	
S. 507 - By Poole	18
Motor vehicles, load extending four feet beyond, orange flag or an amber strobe light, auth., Sec. 32-5-211 am'd.	
S. 88 - By Bailey	8
Public Service Comm., meeting days provided in the event of a holiday, Sunset recommendations, Sec. 37-1-8 am'd.	
S. 42 - By Figures	28
Motor vehicles, "Helping Schools" tag, Secs. 32-6-300, 32-6-301 am'd.	

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S. 45 - By Figures 28

Utilities, weatherization program, estab.

S. 557

S. 120 - By Biddle 11

Massage Therapy, bd. estab., licenses regulated, penalties provided

S. 183 - By Ghee (As Amended) 2

Firearms, possession on school premises, Class B felony, Sec. 13A-11-72 am'd.

S. 73 - By Bailey 7

Cosmetology, Bd. of, terms of membs. clarified, Sunset recommendations, Sec. 34-7-40 am'd.

S. 191 - By Clay 7

Insurance companies, standard valuation law, capital req., disclosure, risk-based capital requirement extensively revised, Sec. 27-36-7 am'd.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Hall (A) offered the following substitute to the substitute offered by Representative Turner to the resolution, H.R. 573:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-ninth legislative day, Thursday, May 9, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
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S. 128 - By Mitchell (As Substituted)	19
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Paternity, putative father registry, Human Resources Dept. to estab., effect on adoption if paternity not registered

S. 18 - By Dixon	23
Motor vehicles, Alabama Shakespeare Festival, distinctive license plates, auth. for supporters of, distrib. of funds	
S. 463 - By Bailey (As Amended)	16
Juvenile ct., transfer of juvenile to adult ct. to include all lesser included offenses, Sec. 12-15-34 am'd.	
S. 164 - By Bailey	14
Abuse orders, mandatory criminal penalty for a willful violation, Secs. 30-5-10, 30-5A-3 am'd.	
S. 202 - By Freeman	5
Teachers' Retirement System, Employees' Retirement System, prior service credit with Job Corps, auth., Sec. 36-27-15.2 am'd.	
S. 156 - By Bailey	27
Deferred comp. plan, tax deferment under state income tax for public employees, same as for federal income tax purposes	
S. 146 - By Steele	16
Parole, deductions from sentences pursuant to Alabama Incentive Time Act for time served on parole, Sec. 14-9-42 am'd., retro. effect	
S. 428 - By Ghee	33
Commission on Higher Ed., auth to estab. program viability standards, termination and reinstatement of programs, off campus offerings req., Sec. 16-5-8 am'd.	
S. 652 - By Ghee	36
Calhoun Co., bingo regulation pursuant to Amendment 508, Constitution of Alabama of 1901, Bingo Regulatory Comm., estab.	
S. 425 - By Clay	4
Hotels and motels, rights of innkeepers and guests, penalties	

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S. 432

S. 139 - By Langford

13

Oil and gas, license fees paid to Revenue Dept. on transaction of 25 gallons or more, alt., Sec. 40-17-174 am'd.

S. 351 - By Little

21

Child declared delinquent, court may require parents or guardians to ensure that child complies with terms of probation, exemptions

S. 181 - By Ghee

27

Distinctive license plates, Support the Arts, Arts Education License Plate Advisory Committee, estab., charitable deduction provided for

S. 507 - By Poole

18

Motor vehicles, load extending four feet beyond, orange flag or an amber strobe light, auth., Sec. 32-5-211 am'd.

S. 88 - By Bailey

8

Public Service Comm., meeting days provided in the event of a holiday, Sunset recommendations, Sec. 37-1-8 am'd.

S. 42 - By Figures

28

Motor vehicles, "Helping Schools" tag, Secs. 32-6-300, 32-6-301 am'd.

S. 45 - By Figures

28

Utilities, weatherization program, estab.

S. 120 - By Biddle

11

Massage Therapy, bd. estab., licenses regulated, penalties provided

S. 183 - By Ghee (As Amended)

2

Firearms, possession on school premises, Class B felony, Sec. 13A-11-72 am'd.

S. 73 - By Bailey

7

Cosmetology, Bd. of, terms of membs. clarified, Sunset recommendations, Sec. 34-7-40 am'd.

S. 191 - By Clay

7

Insurance companies, standard valuation law, capital req., disclosure, risk-based capital requirement extensively revised, Sec. 27-36-7 am'd.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Hall (A) was adopted.

Yeas 54; Nays 17.

Yea:

Representatives Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Laird, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turnham, Vance, White, Willis and Wren.

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Nay:

Mr. Speaker, Box, Collins, Drake, Dukes, Gaston, Hammett, Knight (A), Parker (P), Pringle, Rogers (J), Smith, Spratt, Starkey, Turner, Venable and Warren.

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RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.R. 573, as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 267. To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

Also:

S. 580. To propose the creation of the Tuskegee Airmen Commission; to provide for the membership, powers, and duties of the commission; to provide penalties for violations; and for other purposes.

Also:

S. 713. To reopen the Employees' Retirement System for a certain time to allow an active and contributing member to purchase a certain amount of service credit in the system for certain prior service rendered while employed by a local district attorney.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 103. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code

Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, S. 128, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Boyd, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Wren.

And the bill:

S. 128. (With Substitute): To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary to the bill, S. 128, said committee substitute being as follows:

To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Hawkins offered the following substitute to the substitute reported by the Standing Committee on Judiciary to the bill, S. 128:

A BILL TO BE ENTITLED AN ACT

To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Department of Human Resources shall establish a putative father registry which shall record the names, social security number, date of birth, and addresses of the following:

(1) Any person adjudicated by a court of this state to be the father of a child born out of wedlock.

(2) Any person who has filed with the registry before or after the birth of a child born out of wedlock, a notice of intent to claim paternity of the child, which includes the information required in Section (c) below.

(3) Any person adjudicated by a court of another state or territory of the United States to be the father of a child born out of wedlock, where a certified copy of the court order has been filed with the registry by the person or any other person.

(4) Any person who has filed with the registry an instrument acknowledging paternity pursuant to Section 26-11-1 to 26-11-3, inclusive, Code of Alabama 1975.

(b) The clerk of the court which determines a man to be the father of a child born out of wedlock shall immediately notify the Department of Human Resources of the determination of paternity and include therein the information required under subsection (c) below.

(c) A person filing a notice of intent to claim paternity of a child or an acknowledgment of paternity shall include all of the following:

(1) The father's name, social security number, date of birth, and current address.

(2) The mother's name, including all other names known to the putative father that have been used by the mother, social security number, date of birth, and address, if known.

(3) The father's current income and financial information by attaching a Child Support Obligation Income Statement/Affidavit form to be prescribed by regulations of the department.

(4) The child's name and place of birth, if known.

(5) The possible date or dates of sexual intercourse.

The person filing shall notify the registry of any change of address pursuant to the procedures prescribed by regulation of the department. The registration must be on a form prescribed by the department and signed by the putative father and notarized.

The putative father may file his notice of intent to claim paternity prior to the birth of the child.

(d) A person who has filed a notice of intent to claim paternity may at any time revoke a notice of intent to claim paternity previously filed and, upon receipt of the notification by the registry, the revoked notice of intent to claim paternity shall be deemed a nullity nunc pro tunc.

(e) An unrevoked notice of intent to claim paternity of a child may be introduced in evidence by any party, other than the person who filed the notice, in any proceeding in which the fact may be relevant.

(f) The Department of Human Resources shall, upon request, provide the names and addresses of persons listed with the registry to any court. The information shall not be divulged to any other person except upon order of a court for good cause shown. The Department of Human Resources shall further after

receiving notice pursuant to Section 26-10A-17 of the Code of Alabama 1975, of the pendency of any adoption proceeding wherein the proposed adoptee is a child born within 300 days of the date or dates of sexual intercourse listed in the registry and to the same biological mother listed in the registry, immediately send a copy of the notice of intent to claim paternity to the court handling the adoption. When the court handling the adoption receives said notice of the Intent to Claim Paternity, that Court shall forthwith give notice of the pendency of the adoption proceeding to the putative father listed in such notice of Intent to Claim Paternity and at the address therein listed, and additionally notify the biological mother that the putative father has registered in conformity with the putative father registry.

(g) The Department of Human Resources shall create a form titled "Notice of Intent to Claim Paternity" to be used when a person files notice of intent to claim paternity, and which shall include the information required under subsection (c), the name of the mother who has given birth or may give birth to a child born out of wedlock, and the possible date or dates of sexual intercourse.

(h) The registry, except as provided by subsection (f), shall be kept confidential and not open for public inspection.

(i) Any person who claims to be the natural father of a child and fails to file his Notice of Intent to Claim Paternity pursuant to subsection (a) prior to or within 30 days of the birth of a child born out of wedlock, shall be deemed to have given an irrevocable implied consent in any adoption proceeding.

(j)(1) A person who knowingly or intentionally registers false information under this section commits a Class A misdemeanor.

(2) A person who knowingly or intentionally releases confidential information in violation of this section commits a Class A misdemeanor. However, it is a defense under this subsection if the Department of Human Resources releases confidential information while acting:

- a. In good faith.
- b. With reasonable diligence.

Section 2. This act shall not be construed to alter, impair, defeat, or restore any rights, obligations, duties, or interest accrued, incurred, conferred, or terminated prior to its effective date.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective January 1, 1997.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Hawkins was adopted.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representative White.

- 1

And the bill, S. 128, as amended, was read a third time at length and passed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, S. 18, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

S. 18. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

was read a third time at length and passed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, S. 463, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Crigler inadvertently voted "Yea" and intended to vote "Nay" on passage of the bill, S. 46.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 1. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound racetrack licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing

Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

McDOWELL LEE
Secretary

S. 463 TAKEN UP

And the bill:

S. 463. (With Amendment): To amend Sections 12-15-34 and 12-15-34.1 of the Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court; to provide that a child whose juvenile case is transferred to criminal court shall be tried as an adult for all lesser included offenses of the offense charged.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, S. 463, said committee amendment being as follows:

Amend S. 463 on Page 1, Line 22, after the word "for" insert the following language: the offense charged and

Further amend S.463 on Page 6, Line 18 after the word "for" insert the following language: the offense charged and

Further amend S.463 on Page 3, Line 21 after the word "for" insert the following language: the offense charged and

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M),

Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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AMENDMENT OFFERED

Representative Clouse offered the following amendment to the bill, S. 463, as amended:

Amend Senate Bill 463, Engrossed, on page 6, after line 9, add the following: (7) Any lesser included offense of the above offenses charged or any lesser felony offense charged arising from the same facts and circumstances and committed at the same time as the offenses listed above.

Further amend Senate Bill 463, Engrossed, on page 6, by deleting lines 17-19, and on line 20, the section remains (c).

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill S. 463, as amended, was read a third time at length and passed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 832. To amend subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by nonprofit organizations for charitable and educational purposes, to provide that the amounts of prizes shall not exceed the amounts set by local law.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MOTION TO RECESS LOST

The motion offered by Representative Warren that the House recess from 5:30 o'clock p.m. until 7:00 o'clock p.m., was lost.

Yeas 15; Nays 65.

Yea:

Representatives Baker, Bandy, Buskey, Carothers, Carter, Clark (W), Drake, Laird, Maull, McClammy, Millican, Payne, Seibenhener, Thomas (J) and Warren.

-15

Nay:

Representatives Allen, Black (M), Box, Boyd, Burke, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Knight (A), Layson, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Willis and Wren.

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Carothers, the Budget Isolation Resolution and the bill, S. 164, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hinshaw, the Budget Isolation Resolution relating to the bill, S. 202, was adopted.

Yeas 53; Nays 9.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carothers, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Morrow, Morton, Newton (C), Page, Papucci, Parker (T), Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Carns, Dolbare, Hall (A), McKee, Morrison, Murphree, Payne, Pringle and Townsend.

- 9

And the bill:

S. 202. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for allowing the purchase of prior service credit in the Employees' Retirement System or the Teachers' Retirement System for prior service rendered in the Job Corps.

was read a third time at length and passed.

Yeas 63; Nays 13.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clouse, Curry, Drake, Dukes, Gaines, Gipson, Guin, Hall (A), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

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Nay:

Representatives Carns, Collins, Dolbare, Hawkins, Layson, McKee, Parker (P), Payne, Petelos, Pringle, Smith, Townsend and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, S. 156, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

And the bill:

S. 156. Providing that all deferred compensation plans for public and private employees shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

was read a third time at length and passed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, S. 146, was adopted.

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Yeas 69; Nays 4.

Yea:

Mr. Speaker, Baker, Black (L), Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren, Willis and Wren.

-69

Nay:

Representatives Galliher, Morrison, Pringle and Vance.

- 4

And the bill:

S. 146. To amend Section 14-9-42 of the Code of Alabama 1975; to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975 for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

was read a third time at length and passed.

Yeas 49; Nays 26.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Drake, Dukes, Gipson, Guin, Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Kennedy, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Morton, Murphree, Papucci, Parker (P), Penry, Perdue, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Townsend, Turnham, Venable and Willis.

-49

Nay:

Representatives Carns, Crigler, Dean, Dolbare, Gaines, Galliher, Gaston, Hall (A), Hawkins, Hinshaw, Johnson (R), Jorgensen, Knight (A), Laird, McKee, Morrison, Morrow, Page, Payne, Petelos, Pringle, Seibenhener, Smith, Thomas (D), Vance and Wren.

-26

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, S. 428, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-81

And the bill:

S. 428. To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; and to permit the commission to terminate programs failing to satisfy these standards.

was read a third time at length and passed.

Yeas 79; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-79

Nay:

Representative Millican.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, S. 652, was adopted.

Yeas 41; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carothers, Clouse, Curry, Dean, Gipson, Hall (L), Hamilton, Hammett, Hayden, Hilliard, Hogan, Johnson (E), Johnson (R), Knight (J), Lindsey, Maull, McMillan, Melton, Moore, Papucci, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Seibenhener, Sims, Spratt, Thomas (J), Turner, Vance, Venable and Warren.

-41

Nay:

Representatives Drake, Jorgensen, Morrison, Parker (P), Smith and Thomas (D).

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 652. To provide for the implementation of Amendment 508 of the Constitution of Alabama of 1901, authorizing the operation of bingo games in Calhoun County, Alabama, by certain nonprofit organizations; to establish the Calhoun County Bingo Regulatory Commission and to provide for the regulation of bingo in Calhoun County, Alabama.

was taken up.

AMENDMENT OFFERED

Representative Willis offered the following amendment to the bill, S. 652:

On page 16, lines 20 to 26, inclusive, and on page 17, lines 1 and 2, delete subsection (c) in its entirety and renumber the following subsections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 49; Nays 1.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Burke, Carothers, Clouse, Curry, Dean, Dolbare, Flowers, Gaines, Gipson, Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, Maull, McClammy, Melton, Moore, Newton (C), Papucci, Parker (T), Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (J), Turner, Venable, Warren, White and Willis.

-49

Nay:

Representative Thomas (D).

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 652, as amended, was read a third time at length and passed.

Yeas 45; Nays 18.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Carothers, Clark (W), Clouse, Curry, Dean, Dukes, Flowers, Gipson, Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Knight (A), Knight (J),

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Lindsey, Maull, McClammy, Moore, Newton (D), Papucci, Perdue, Pringle, Reed, Rogers (M), Seibenhener, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, White and Willis.

-45

Nay:

Representatives Carns, Collins, Dolbare, Drake, Gaston, Guin, Hamilton, Hawkins, Jorgensen, Layson, McDaniel, Morrison, Page, Parker (P), Payne, Smith, Thomas (D) and Townsend.

-18

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, S. 164, which was previously temporarily carried over, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and White.

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And the bill:

S. 164. Amending Section 30-5A-3, Code of Alabama 1975, relating to protection orders in certain instances regarding domestic violence; providing certain criminal penalties for violating such an order.

was read a third time at length and passed.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-82

Nay:

Representative Hawk.

- 1

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Hall (L) offered the motion to reconsider the vote by which the bill, S. 164, was passed, and the motion to reconsider was adopted.

And the bill, S. 164, was again read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and White.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 1. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound race-track licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, S. 425, was adopted.

Yeas 73; Nays 6.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-73

Nay:

Representatives Hall (A), Knight (J), Morrow, Petelos, Robinson and Thomas (D).

- 6

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 210. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.

McDOWELL LEE
Secretary

S. 425 TAKEN UP

And the bill:

S. 425. Providing for the rights and obligations of innkeepers and guests relating to their ability to pay, the right of innkeepers to refuse accommodation, the maintenance of a guest register, the right to eject persons from the premises, and providing for penalties.

was taken up.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Representative Turnham, the motion offered by Representative Knight (J) to temporarily carry over the bill, S. 425, was tabled.

Yeas 47; Nays 32.

Yea:

Mr. Speaker, Box, Burke, Carns, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Rogers (M), Sanderford, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-47

Nay:

Representatives Baker, Black (M), Boyd, Buskey, Crigler, Curry, Graham, Guin, Hall (A), Hall (L), Hayden, Hilliard, Houston, Johnson (E), Jorgensen, Kennedy, Knight (J), McAdory, McClammy, Melton, Moore, Morrison, Morrow, Parker (P), Petelos, Robinson, Rogers (J), Sanderson, Seibenhener, Spratt, Thomas (D) and Thomas (J).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 18. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

Also:

S. 217. Repealing Article 6 of Title 7 of the Code of Alabama 1975, commonly referred to as the Bulk Transfers Article of the Uniform Commercial Code.

Also:

S. 264. Relating to juvenile law enforcement; to amend Code of Alabama 1975: Section 12-15-100, to provide that juvenile court records may be copied by persons authorized to inspect them, by the principal of the school in which a child is enrolled, or a representative of the principal; Section 12-15-101, to provide that juvenile law enforcement records may be inspected by the principal of the school in which a child is enrolled, a representative of the principal, and the victim, or a representative of the victim, and to require the reporting of a child who has been adjudicated a serious juvenile offender or delinquent for conduct constituting a Class A or B felony if committed by an adult to the Alabama Criminal Justice Information Center; Section 12-15-102 to provide that law enforcement agencies, without prior permission, may obtain fingerprints, photographs, or DNA samples from a child alleged to be delinquent; Section 41-9-622, to provide that information concerning serious juvenile offenders may be used as information concerning adults is used; and Section 41-9-623, to provide that information concerning serious juvenile offenders must be provided to the Alabama Criminal Justice Information Center by law enforcement agencies.

Also:

S. 709. Relating to Calhoun County; amending Act 89-711, H. 1019, 1989 Regular Session (Acts 1989, p. 1420), providing for a special indexing fee for the installation and maintenance of the improved system of archiving and the indexing of documents and for the improvement of the services of the Office of the Judge of Probate of Calhoun County.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

S. 425 RESUMED

MOTION TO TEMPORARILY CARRY OVER ADOPTED

On motion of Representative Turnham, the bill, S. 425, was temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, S. 432, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 563. COMMENDING LEGACY, INC. PARTNERS IN ENVIRONMENTAL EDUCATION FOR ADMINISTRATION OF THE ALABAMA EDUCATION FUND AND MARKETING OF THE ENVIRONMENTAL LICENSE TAG, AND URGING ADEM TO CONTINUE SUPPORT OF LEGACY.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 540. COMMENDING TIVOLI LASHUNDRA SIMS FOR HER OUT-
STANDING MUSICAL PERFORMANCE.

Also:

H.J.R. 543. CONGRATULATING HELEN DARNELL WHITEMORE ON
THE OCCASION OF HER 102ND BIRTHDAY.

Also:

H.J.R. 544. COMMENDING MURRAY TEMPLE CHRISTIAN METHODIST
EPISCOPAL CHURCH ON ITS 110TH ANNIVERSARY.

Also:

H.J.R. 545. RECOGNIZING DR. RICHARD A. DIEHL FOR HIS OUT-
STANDING PROFESSIONAL CAREER AND UPON HIS SELECTION TO SPEAK
TO THE UNITED NATIONS.

Also:

H.J.R. 547. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL
LADY YELLOW JACKET GOLF TEAM OF MOBILE, ALABAMA.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has
examined the following House Bill, to-wit:

H. 210. To amend Act No. 376 of the 1975 Legislature relating to the
Greene County Racetrack and pari-mutuel wagering in Greene County to provide
for televised racing events and pari-mutuel wagering on greyhound racing and
horse racing; to provide for combined pari-mutuel pools and takeout for televised
racing events; to levy state and local taxes on pari-mutuel wagering; to change the
number of racing days; to change the hours for racing; and to repeal the admis-
sion fee.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

S. 432 TAKEN UP

And the bill:

S. 432. Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan which shall include all proposals concerning capital projects; requiring the commission to review these proposals; placing a freeze on the inclusion of certain capital projects; and requiring the prioritizing of capital improvement budget requests.

was read a third time at length and passed.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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MOTION TO INDEFINITELY POSTPONED ADOPTED

On motion of Representative Sanderson, the bill, S. 139, and the pending Budget Isolation Resolution were indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 463. To amend Sections 12-15-34 and 12-15-34.1 of the Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court; to provide that a child whose juvenile case is transferred to criminal court shall be tried as an adult for the offense charged and all lesser included offenses of the offense charged.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 184. To provide for the Uniform Partnership Act of 1996 with Limited Liability Partnership relating to the organization and operation of a business partnership and a limited liability partnership in Alabama; to provide generally for a partnership and a partnership agreement; to provide for the nature of a partnership and the relations of a partner to other partners, the partnership, and persons dealing with a partnership; to provide for transferees and creditors of a partner; to provide for a partner's dissociation and a partner's dissociation when a business is not wound up, and the winding up of a partnership business; to provide for conversions and mergers of partnerships; to provide for registered limited liability partnerships; to provide for the uniformity of application and construction, applicability, savings clause, composite tax returns, and taxation of a registered limited liability partnership; to repeal Sections 10-8-1 through 10-8-7; 10-8-20 and 10-8-21; 10-8-40 through 10-8-56; 10-8-70 through 10-8-73; and 10-8-90 through 10-8-103, Code of Alabama 1975; and to provide an effective date of October 1, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Box, the House concurred in and adopted the Senate amendment to the bill, H. 184, said Senate amendment being as follows:

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On page 72, on line 24 after "(c)" insert: "(1)"

On page 72, after line 26 insert the following:

"(2) a. The Secretary of State Partnership/Limited Liability Partnership Fund is established in the State Treasury. All funds, fees, charges, costs, and collections accruing to or collected by the Office of the Secretary of State under the foregoing provisions of this section or any other fees collected by the Secretary of State relating to partnership/limited liability partnership shall be deposited into the State Treasury to the credit of the Secretary of State Partnership/Limited Liability Partnership Fund except as provided in paragraph c.

b. All funds now or hereafter deposited in the State Treasury to the credit of the Secretary of State Partnership/Limited Liability Partnership Fund shall not be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill or this section.

c. Seventy percent of funds collected by the Secretary of State in relation to partnership/limited liability partnerships during the fiscal year shall be deposited to the credit of the State General Fund."

On page 1, line 14, and on page 2, line 13, and on page 93, line 4, delete "October 1, 1996" and insert in lieu thereof: "January 1, 1997"

On page 93, line 13, delete "September 30" and insert in lieu thereof: "December 31"

On page 94, line 20, after "partners" insert: "(who are individuals)"

On page 94, line 22, after "members" insert: "(who are individuals)"

On page 94, line 24, after "company" insert: "and one or more nonresident beneficiaries (who are individuals) of a business trust"

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson,

Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Minnifield, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 440.

Yeas 12; Nays 0.

Yea:

Representatives Carns, Curry, Gaines, Hawkins, Houston, Johnson (E), McAdory, Morton, Payne, Sanderson, Thomas (D) and Townsend.

-12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Minnifield, the Budget Isolation Resolution relating to the bill, S. 440, was adopted.

Yeas 18; Nays 0.

Yea:

Mr. Speaker, Carns, Curry, Gaines, Hawkins, Hilliard, Houston, Johnson (E), McAdory, Minnifield, Morton, Payne, Perdue, Rogers (J), Sanderson, Spratt, Thomas (D) and Townsend.

-18

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 440. Relating to Jefferson County; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to allow former members of the Pension System who withdrew from the Pension System under Section 13 of Act No. 497, of the Regular Session of the Legislature of Alabama of 1965, as amended, and who rejoined the System pursuant to Act No. 86-706, First Extraordinary Session of 1986, to become eligible to receive Factor No. 3 of the Pension Benefit Formula for previous unpaid time, but excluding the period from the date of their withdrawal until January 3, 1987; to allow former members of the retirement system who withdrew from the System pursuant to Section 13 of said Act No. 497 and who did not rejoin the System pursuant to Act No. 86-706, a one-time opportunity to rejoin the System as new members with eligibility to receive Factor No. 3 of the Pension Benefit Formula but excluding the period from the date of their withdrawal until January 3, 1987; to prohibit certain new members who rejoined the System from converting any of the previous unpaid membership time to paid membership time for the Pension Benefit Formula; and to repeal Act No. 93-927 of the 1993 First Special Session of the Legislature.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yea:

Representatives Carns, Curry, Flowers, Gaines, Hawkins, Hilliard, Houston, Johnson (E), McAdory, Minnifield, Morton, Payne, Perdue, Petelos, Rogers (J), Sanderson, Spratt, Townsend, Turner and Turnham.

-20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Gaines, the rules were suspended in order to take up out of order the bill, S. 485.

Yeas 17; Nays 0.

Yea:

Representatives Carns, Curry, Flowers, Gaines, Hawkins, Holmes, Houston, Minnifield, Morton, Payne, Perdue, Petelos, Rogers (J), Sanderson, Townsend, Turnham and White.

-17

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 485 TAKEN UP

And the bill:

S. 485. Relating to Jefferson County; amending Section 1 of Act No. 88-936, H. 191 of the 1988 Special Session (Acts 1988, p. 550), providing that the Chief Deputy Tax Collector shall serve at the pleasure of the person elected to the position of Jefferson County Tax Collector; and repealing Section 2 of the act relating to certain qualifications of the Chief Deputy Tax Collector.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yea:

Mr. Speaker, Carns, Curry, Gaines, Hawkins, Hilliard, Houston, Johnson (E), McAdory, Minnifield, Morton, Payne, Perdue, Petelos, Rogers (J), Sanderson, Spratt and Townsend.

-18

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Gaines, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 488.

Yeas 19; Nays 0.

Yea:

Representatives Carns, Curry, Flowers, Gaines, Hawkins, Hilliard, Houston, Johnson (E), McAdory, Minnifield, Morton, Payne, Perdue, Petelos, Rogers (J), Sanderson, Spratt, Townsend and Turnham.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, S. 488, was adopted.

Yeas 20; Nays 0.

Yea:

Representatives Carns, Curry, Gaines, Hawkins, Hill, Hilliard, Houston, Johnson (E), Knight (A), McAdory, Melton, Minnifield, Morton, Payne, Perdue, Petelos, Rogers (J), Sanderson, Spratt and Townsend.

-20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 488. Relating to Jefferson County; amending Section 3 of Act No. 89-1009, S. 32 of the 1989 First Special Session, (Acts 1989, p. 53), to eliminate the "step 5" limitation within class 30 of the annual salary of the chief deputy tax collector; the chief deputy tax collector, Bessemer Division; the chief deputy tax assessor; and the chief deputy tax assessor, Bessemer Division.

was read a third time at length and passed.

Yeas 17; Nays 0.

Yea:

Representatives Carns, Curry, Gaines, Hawkins, Hill, Hilliard, Houston, Johnson (E), Knight (A), Minnifield, Morton, Payne, Perdue, Petelos, Sanderson, Spratt and Townsend.

-17

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 351, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk,

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Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-80

And the bill:

S. 351. To authorize any juvenile court to require the parents or legal guardian of a child who has been declared a delinquent child and placed on probation by the court to assist the court in ensuring that the child complies with the terms of probation, and would provide for penalties and exemptions.

was read a third time at length and passed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, S. 181, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare,

Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-80

And the bill:

S. 181. Providing for distinctive motor vehicle license tags or plates for supporters of the Arts in Alabama; establish an Arts Education License Plate Advisory Committee; provide for a charitable deduction; and provide for a delayed effective date.

was read a third time at length and passed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-84

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, S. 507, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 507. To amend Section 32-5-211, Code of Alabama 1975, relating to attaching a flag or light at the end of loads carried on vehicles, to authorize that an orange flag or an amber strobe light be attached to the end of a load which extends more than four feet beyond the rear of a vehicle.

was read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, S. 88, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren, Willis and Wren.

-85

And the bill:

S. 88. To make certain statutory changes to the Public Service Commission suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 37-1-8, Code of Alabama 1975, relating to the commission, so as to provide further for meeting days.

was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, S. 42, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 788. To amend Section 40-14-41 of the Code of Alabama 1975 and Section 6 of Act No. 95-587, H. 867, 1995 Regular Session, to clarify and confirm the ability of a foreign corporation doing business in Alabama to petition the Alabama Department of Revenue to utilize any other method which effectuates an equitable determination of the actual amount of capital employed in this state by the foreign corporation; and to provide for a retroactive effective date.

by a majority of the whole number elected to the Senate, said vote being: Yeas 19, Nays 0.

And said Bill, HB 788, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 119. Relating to juvenile delinquency; to amend Code of Alabama 1975: Section 12-15-53, to provide that a child alleged to be delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun shall be detained in custody until the required hearing; Section 12-15-61, to provide that, subject to conditions, a child alleged or adjudicated to be delinquent may be held in a jail for up to 7 days; and Section 12-15-71, to provide that, upon a child being adjudicated delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun, the weapon is forfeited and the court shall order that it be destroyed.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 146. To amend Section 14-9-42 of the Code of Alabama 1975; to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975 for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

Also:

S. 156. Providing that all deferred compensation plans for public and private employees shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

Also:

S. 164. Amending Section 30-5A-3, Code of Alabama 1975, relating to protection orders in certain instances regarding domestic violence; providing certain criminal penalties for violating such an order.

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Also:

S. 202. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for allowing the purchase of prior service credit in the Employees' Retirement System or the Teachers' Retirement System for prior service rendered in the Job Corps.

Also:

S. 428. To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; and to permit the commission to terminate programs failing to satisfy these standards.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

S. 42 TAKEN UP

And the bill:

S. 42. To amend Sections 32-6-300 and 32-6-301 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags, and providing further that the purchasers of the tags may designate the school district to receive the proceeds of the sale of the tags.

was read a third time at length and passed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield,

Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, S. 45, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Venable, Warren, White, Willis and Wren.

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And the bill:

S. 45. To provide for a home weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

was read a third time at length and passed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen,

Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 141. To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances; to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies; to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 652. To provide for the implementation of Amendment 508 of the Constitution of Alabama of 1901, authorizing the operation of bingo games in Calhoun County, Alabama, by certain nonprofit organizations; to establish the

Calhoun County Bingo Regulatory Commission and to provide for the regulation of bingo in Calhoun County, Alabama.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 128. To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative McMillan offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 120.

MOTION TO CARRY OVER LOST

The motion offered by Representative White to carry over the bill, S. 120, and the pending Budget Isolation Resolution to the thirtieth legislative day was lost.

Yeas 17; Nays 48.

Yea:

Representatives Baker, Clouse, Collins, Flowers, Hammett, Hayden, Holmes, Houston, Jackson, Knight (J), Murphree, Newton (C), Seibenhener, Spratt, Starkey, Venable and White.

Nay:

Representatives Allen, Black (M), Box, Burke, Carns, Carter, Clark (W), Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Haney, Hawkins, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Townsend, Turner, Turnham, Vance, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 563. COMMENDING LEGACY, INC. PARTNERS IN ENVIRONMENTAL EDUCATION FOR ADMINISTRATION OF THE ALABAMA EDUCATION FUND AND MARKETING OF THE ENVIRONMENTAL LICENSE TAG, AND URGING ADEM TO CONTINUE SUPPORT OF LEGACY.

Also:

H.J.R. 540. COMMENDING TIVOLI LASHUNDRA SIMS FOR HER OUTSTANDING MUSICAL PERFORMANCE.

Also:

H.J.R. 543. CONGRATULATING HELEN DARNELL WHITTEMORE ON THE OCCASION OF HER 102ND BIRTHDAY.

Also:

H.J.R. 544. COMMENDING MURRAY TEMPLE CHRISTIAN METHODIST EPISCOPAL CHURCH ON ITS 110TH ANNIVERSARY.

Also:

H.J.R. 545. RECOGNIZING DR. RICHARD A. DIEHL FOR HIS OUTSTANDING PROFESSIONAL CAREER AND UPON HIS SELECTION TO SPEAK TO THE UNITED NATIONS.

Also:

H.J.R. 547. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL LADY YELLOW JACKET GOLF TEAM OF MOBILE, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative McMillan to the bill, S. 120, and the Budget Isolation Resolution was adopted.

Yeas 71; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Morrow, Morton, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-71

Nay:

Representatives Clouse, Morrison and Murphree.

And the bill:

S. 120. To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy; to create the Alabama Board of Massage Therapy Fund; to provide for an appropriation to the Alabama Board of Massage Therapy from the Alabama Board of Massage Therapy Fund in an amount as deemed necessary for fiscal year 1996-1997; to provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

was read a third time at length and passed.

Yeas 67; Nays 4.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carns, Carter, Clark (W), Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Willis and Wren.

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Nay:

Representatives Clouse, Dolbare, Venable and White.

- 4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 732. Relating to Talladega County, to propose an amendment to the Constitution of Alabama of 1901, to establish the Talladega County Judicial Commission and provide for the filling of vacancies in the office of judge of the circuit court, judge of the district court, and district attorney.

And said Bill, HB 732, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 395. To require corporations, associations, health maintenance organizations, employer-sponsored health benefit plans, or any similar organizations or entities providing various health coverages and plans to furnish enrollees with a written description of the coverage, exclusions, services, medications, authorizations, financial responsibility for payment of coinsurance or other noncovered or out-of-plan service; and to cite this act as the "Patient Right to Know Act."

Also:

H. 652. To amend Sections 18-1A-3, 18-1A-291, and 18-1A-293, Code of Alabama 1975, relating to eminent domain, in order to clarify the definition of a condemnation action; to provide further for costs associated with a condemnation action.

Also:

H. 684. To further provide for gill net fishing and licensure for hardship cases; to authorize the Department of Conservation and Natural Resources to renew and transfer the licenses; and to provide that this act is cumulative.

Also:

H. 659. To amend Section 22-1-11 of the Code of Alabama 1975, relating to making false statement or representation of material fact in claim for medicaid benefits; to provide that the felony offense of medicaid fraud is not complete unless and until a false claim is received by the medicaid agency or the contractor.

Also:

H. 699. To amend Section 38-9B-5, Code of Alabama 1975, relating to the administration of the AFT Trust, to provide further for certain payments.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 91. To amend Sections 34-27-2, 34-27-6, 34-27-7, 34-27-32, 34-27-34, 34-27-35, 34-27-35.1, and 34-27-36, Code of Alabama 1975, relating to the Alabama Real Estate Commission, so as to correct a technical error; to provide further for the authority of the commission regarding real estate courses; to add a public member to the commission; to provide further for reciprocal licensing and proof of minimum instructional hours for licensure as a real estate broker or salesperson and to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to provide a hardship postponement for certain temporary license holders; to provide a \$25 fee for certain license changes; to provide inactive status for certain licensees, to provide a hardship postponement, to provide further for continuing education, and to remove the exempt status of licensees age 65 and older; to provide further for unauthorized advertising; and to require the commission to notify the complainant and the licensee in writing regarding the disposition of a complaint.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 501. URGING THE STATE OF ALABAMA TO ENFORCE ITS PROMPT PAYMENT STATUTE.

Also:

H.J.R. 559. NAMING THE ACT BASED ON H.B. 453 OF THE 1996 REGULAR SESSION THE "PAT G. HARDEN ACT."

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 710. Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

McDOWELL LEE
Secretary

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 245, without the Governor's signature and with a suggested Executive Amendment.

Done this 9th day of May, 1996.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 245, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 245:

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Please amend House Bill No. 245, on page 6, beginning on line 15 and continuing through line 22, by deleting subsection "(b)" in its entirety and inserting in lieu thereof the following language:

(b) The governing boards of each four-year public institution of higher education shall retain the power to extend resident tuition rates to students who reside in any county within fifty miles of a campus of the institution; provided, however, that campus must be in existence and operating as of January 1, 1996. For public two-year institutions, the State Board of Education, upon the recommendation of the Chancellor of the Department of Postsecondary Education, shall retain the power to extend resident tuition rates to students who reside in any county within fifty miles of a campus of the institution; provided, however, that campus must be in existence and operating as of January 1, 1996.

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 9th day of May, 1996.

Respectfully,

FOB JAMES, JR.

Governor

GOVERNOR'S MESSAGE

On motion of Representative Parker (T), the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 245, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

REPORT OF COMMITTEE OF CONFERENCE ON H. 755

We, the Committee of Conference appointed to reconcile the difference between the two houses concerning H. 755, have met, considered the matter, and agreed to the following:

Substitute attached

Respectfully submitted,

RONALD JOHNSON
LEWIS SPRATT

Conferees on the part of the House

LOWELL BARRON
JABO WAGGONER
RODGER M. SMITHERMAN

Conferees on the part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-171 is amended to read as follows:

"§32-5A-171.

"Except when a special hazard exists that requires lower speed for compliance with Section 32-5A-170, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of the maximum limits.

"(1) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.

"(2) a. No person shall operate a motor vehicle in excess of 35 miles per hour on any unpaved road. For purposes of this chapter the term "unpaved road" shall mean any highway under the jurisdiction of any county, the surface of which consists of natural earth, mixed soil, stabilized soil, aggregate, crushed sea shells, or similar materials without the use of asphalt, cement, or similar binders.

"b. No person shall operate a motor vehicle on any county-maintained paved road in an unincorporated area of the state at a speed in excess of 45 miles per hour unless a different maximum speed is established under authority granted in subdivision (6) or as provided in subdivision (7) subject to the maximum rate of speed provided in subdivision (3).

"(3) No person shall operate a motor vehicle on the highways in this state, other than interstate highways or highways having four or more traffic lanes, at a speed in excess of 55 miles per hour at any time unless a different maximum rate of speed is authorized by the Governor under authority granted in subdivision (6) or as provided in subdivision (7).

"(4) No person shall operate a motor vehicle, on an interstate highway within the State of Alabama, at a speed in excess of 55 70 miles per hour or on any other highway having four or more traffic lanes at a speed in excess of 65 miles per hour, in urban areas of 50,000 population or more or in excess of 65 miles per hour outside urban areas unless a different maximum rate of speed is permitted or allowed by the Federal Highway Administration, or unless a different maximum rate of speed is authorized by the Governor under authority granted in subdivision (6) or as provided in subdivision (7).

"(5) Notwithstanding any provisions of this section to the contrary, no person shall operate a passenger vehicle, motor truck, or passenger bus which carries or transports explosives or flammable liquids, as defined in Section 32-1-1.1, or hazardous wastes, as defined in Section 22-30-3(5), in this state unless the vehicle, truck, or bus prominently displays a current decal, plate, or placard which is required by the rules or regulations of the DOT or the PSC which indicates or warns that the vehicle, truck, or bus is carrying or transporting such the substances. No person shall operate the vehicle, truck, or bus at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of speed is authorized by the Governor under authority granted in subdivision (6) or as provided in subdivision (7).

"(6) The Governor is hereby specifically authorized to may prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

"(7) The maximum speed limits set forth in this section may be altered as authorized in Sections 32-5A-172 and 32-5A-173.

"(8) A law enforcement officer or a peace officer of any incorporated municipality or town which has less than 19,000 inhabitants according to the most recent federal decennial census shall not enforce this section on any interstate highway.

"(9) Any speed limit set pursuant to this section shall be enforced by any municipality or any law enforcement officer of a municipality only within the corporate limits of the municipality and not within the police jurisdiction of the municipality."

Section 2. One year following the passage of this act, the Department of Public Safety shall report to the Legislature on the traffic fatalities in the State during the last calendar year and the relation of these fatalities to the increased speed limit.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Johnson (R), the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 755, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 58; Nays 8.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Clark (W), Clouse, Crigler, Dean, Gaston, Gipson, Graham, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Lindsey, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Guin, Knight (J), Mitchell, Newton (C), Sanderson, Thomas (D), Townsend and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 10. To amend Section 36-26-36, Code of Alabama 1975, to provide further for partial payment for accrued sick leave for certain state employees.

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Also:

H. 80. To exempt from the state, county and municipal sales and use taxes sales by certain schools or school sponsored organizations if the proceeds from the sales are used for the benefit of the school.

Also:

H. 83. To amend Section 28-3-55, Code of Alabama 1975, which provides for the Cost of Evidence Fund used by the Alcoholic Beverage Control Board, to increase the amount of the fund and expand its use.

Also:

H. 375. To amend Section 41-9-335, Code of Alabama 1975; to increase the membership of the board of trustees of the St. Stephens Historical Commission; to provide that the additional members would be appointed by the Washington County Legislative Delegation and at least one of the new appointees shall be African American; and to provide for the terms of the new appointees.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 82. To provide for the suspension or revocation of drivers' licenses for the failure to pay child support, and to establish criteria for reissuing the licenses.

Also:

H. 200. To amend Section 32-6-7 of the Code of Alabama 1975, relating to the issuance of driver's licenses by the Department of Public Safety, to delete that portion of existing law that any person adjudged to be insane, or an idiot, imbecile, epileptic, or feeble-minded shall not be issued a driver's license until restored to competency by judicial judgment, or released from a hospital for the insane or feeble-minded, upon certification by the superintendent or medical director that the person is competent, and the Director of Public Safety or examining officer is satisfied that the person is competent to drive a motor vehicle with safety to persons and property.

Also:

H. 226. To allow a person charged with a non-capital felony offense to plead guilty to an information; and provide the procedures for entering a plea on an information.

Also:

H. 324. To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 496. To reopen the Employees' Retirement System for purchase of prior service credit by an active and contributing member of the Cooperative Extension Service of Auburn University; to provide for the cost of purchasing the prior service credit; and to provide for the expiration of this act.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 788. To amend Section 40-14-41 of the Code of Alabama 1975 and Section 6 of Act No. 95-587, H. 867, 1995 Regular Session, to clarify and confirm the ability of a foreign corporation doing business in Alabama to petition the Alabama Department of Revenue to utilize any other method which effectuates an equitable determination of the actual amount of capital employed in this state by the foreign corporation; and to provide for a retroactive effective date.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 184. To provide for the Uniform Partnership Act of 1996 with Limited Liability Partnership relating to the organization and operation of a business partnership and a limited liability partnership in Alabama; to provide generally for a partnership and a partnership agreement; to provide for the nature of a partnership and the relations of a partner to other partners, the partnership, and persons dealing with a partnership; to provide for transferees and creditors of a partner; to provide for a partner's dissociation and a partner's dissociation when a business is not wound up, and the winding up of a partnership business; to provide for conversions and mergers of partnerships; to provide for registered limited liability partnerships; to provide for the uniformity of application and construction, applicability, savings clause, composite tax returns, and taxation of a registered limited liability partnership; to repeal Sections 10-8-1 through 10-8-7; 10-8-20 and 10-8-21; 10-8-40 through 10-8-56; 10-8-70 through 10-8-73; and 10-8-90 through 10-8-103, Code of Alabama 1975; and to provide an effective date of January 1, 1997.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 732. Relating to Talladega County, to propose an amendment to the Constitution of Alabama of 1901, to establish the Talladega County Judicial Commission and provide for the filling of vacancies in the office of judge of the circuit court, judge of the district court, and district attorney.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 395. To require corporations, associations, health maintenance organizations, employer-sponsored health benefit plans, or any similar organizations or entities providing various health coverages and plans to furnish enrollees with a written description of the coverage, exclusions, services, medications, authorizations, financial responsibility for payment of coinsurance or other noncovered or out-of-plan service; and to cite this act as the "Patient Right to Know Act."

Also:

H. 652. To amend Sections 18-1A-3, 18-1A-291, and 18-1A-293, Code of Alabama 1975, relating to eminent domain, in order to clarify the definition of a condemnation action; to provide further for costs associated with a condemnation action.

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Also:

H. 659. To amend Section 22-1-11 of the Code of Alabama 1975, relating to making false statement or representation of material fact in claim for medicaid benefits; to provide that the felony offense of medicaid fraud is not complete unless and until a false claim is received by the medicaid agency or the contractor.

Also:

H. 684. To further provide for gill net fishing and licensure for hardship cases; to authorize the Department of Conservation and Natural Resources to renew and transfer the licenses; and to provide that this act is cumulative.

Also:

H. 699. To amend Section 38-9B-5, Code of Alabama 1975, relating to the administration of the AFT Trust, to provide further for certain payments.

Also:

H.J.R. 501. URGING THE STATE OF ALABAMA TO ENFORCE ITS PROMPT PAYMENT STATUTE.

Also:

H.J.R. 559. NAMING THE ACT BASED ON H.B. 453 OF THE 1996 REGULAR SESSION THE "PAT G. HARDEN ACT."

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 10. To amend Section 36-26-36, Code of Alabama 1975, to provide further for partial payment for accrued sick leave for certain state employees.

Also:

H. 80. To exempt from the state, county and municipal sales and use taxes sales by certain schools or school sponsored organizations if the proceeds from the sales are used for the benefit of the school.

Also:

H. 83. To amend Section 28-3-55, Code of Alabama 1975, which provides for the Cost of Evidence Fund used by the Alcoholic Beverage Control Board, to increase the amount of the fund and expand its use.

Also:

H. 375. To amend Section 41-9-335, Code of Alabama 1975; to increase the membership of the board of trustees of the St. Stephens Historical Commission; to provide that the additional members would be appointed by the Washington County Legislative Delegation and at least one of the new appointees shall be African American; and to provide for the terms of the new appointees.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 514. CREATING THE CLAY-COOSA COUNTIES JAIL STUDY COMMISSION.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 755. To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

And said Bill, HB 755, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 296. To amend Section 13A-6-21; to provide that a person who, with intent to cause physical injury and to prevent a peace officer or emergency medical personnel or firefighter from performing a lawful duty, causes physical injury to any person commits assault in the second degree; and to provide that a person who, with intent to cause physical injury to a teacher or other public school employee causes physical injury to any person commits assault in the second degree; and to provide felony penalties.

Also:

H. 356. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Ducks Unlimited Conservation wetland programs; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Also:

H. 572. To provide distinctive motor vehicle license tags or plates for supporters of the Children's Trust Fund; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 201. Relating to pharmacists; providing for the registration and regulation of pharmacy technicians; and providing for definitions.

Also:

H. 489. Relating to motor vehicles; to provide for the regulation of window tinting of motor vehicles; to provide definitions; to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for certain exceptions and for medical exemptions; to provide for the approval by the Department of Public Safety of material and glazing used for the window tinting of motor vehicles in this state; to provide for labels on windshields and windows under certain conditions; and to provide penalties for violations of this act.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 194. To amend Section 36-21-4.1, Code of Alabama 1975, to provide that nonelected county law enforcement officers be compensated for overtime pursuant to the Federal Fair Labor Standards Act; and to provide that the officers may receive compensatory leave for overtime hours worked.

Also:

H. 518. To amend Sections 25-4-8, 25-4-10, 25-4-16, as amended by Act No. 95-311 of the 1995 Regular Session, 25-4-54, as amended by Acts 95-311 and 95-764 of the 1995 Regular Session, 25-4-92, and 25-4-152, Code of Alabama 1975, to provide further for the definition of employer, the definition of employment, the definition of wages, computation of the desired level of the unemployment compensation fund, appeals tribunals, and the voluntary deduction of federal income tax from unemployment compensation benefits.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 245. Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

by a majority of the whole number elected to the Senate, said vote being: Yeas 28, Nays 1.

And said Bill, HB 245, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 761. To amend Section 37-15-4, Code of Alabama 1975, to provide further for location of any proposed excavation or demolition and for exemptions to the notice requirements.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 82. To provide for the suspension or revocation of drivers' licenses for the failure to pay child support, and to establish criteria for reissuing the licenses.

Also:

H. 200. To amend Section 32-6-7 of the Code of Alabama 1975, relating to the issuance of driver's licenses by the Department of Public Safety, to delete that portion of existing law that any person adjudged to be insane, or an idiot, imbecile, epileptic, or feeble-minded shall not be issued a driver's license until restored to competency by judicial judgment, or released from a hospital for the insane or feeble-minded, upon certification by the superintendent or medical director that the person is competent, and the Director of Public Safety or examining officer is satisfied that the person is competent to drive a motor vehicle with safety to persons and property.

Also:

H. 226. To allow a person charged with a non-capital felony offense to plead guilty to an information; and provide the procedures for entering a plea on an information.

Also:

H. 324. To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 496. To reopen the Employees' Retirement System for purchase of prior service credit by an active and contributing member of the Cooperative Extension Service of Auburn University; to provide for the cost of purchasing the prior service credit; and to provide for the expiration of this act.

Also:

H. 572. To provide distinctive motor vehicle license tags or plates for supporters of the Children's Trust Fund; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

Also:

H. 356. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Ducks Unlimited Conservation wetland programs; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Also:

H. 296. To amend Section 13A-6-21; to provide that a person who, with intent to cause physical injury and to prevent a peace officer or emergency medical personnel or firefighter from performing a lawful duty, causes physical injury to any person commits assault in the second degree; and to provide that a person who, with intent to cause physical injury to a teacher or other public school employee causes physical injury to any person commits assault in the second degree; and to provide felony penalties.

Also:

H. 201. Relating to pharmacists; providing for the registration and regulation of pharmacy technicians; and providing for definitions.

Also:

H. 489. Relating to motor vehicles; to provide for the regulation of window tinting of motor vehicles; to provide definitions; to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for certain exceptions and for medical exemptions; to provide for the approval by the Department of Public Safety of material and glazing used for the window tinting of motor vehicles in this state; to provide for labels on windshields and windows under certain conditions; and to provide penalties for violations of this act.

Also:

H.J.R. 514. CREATING THE CLAY-COOSA COUNTIES JAIL STUDY COMMISSION.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolution, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 755. To amend Section 32-5A-171, Code of Alabama 1975, relating to maximum speed limits on highways; to provide for an increase of the maximum speed limit on certain highways.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 42. To amend Sections 32-6-300 and 32-6-301 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags, and providing further that the purchasers of the tags may designate the school district to receive the proceeds of the sale of the tags.

Also:

S. 45. To provide for a home weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

Also:

S. 88. To make certain statutory changes to the Public Service Commission suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 37-1-8, Code of Alabama 1975, relating to the commission, so as to provide further for meeting days.

Also:

S. 119. Relating to juvenile delinquency; to amend Code of Alabama 1975: Section 12-15-53, to provide that a child alleged to be delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun shall be detained in custody until the required hearing; Section 12-15-61, to provide that, subject to conditions, a child alleged or adjudicated to be delinquent may be held in a jail for up to 7 days; and Section 12-15-71, to provide that, upon a child being adjudicated delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun, the weapon is forfeited and the court shall order that it be destroyed.

Also:

S. 120. To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy; to create the Alabama Board of Massage Therapy Fund; to provide for an appropriation to the Alabama Board of Massage Therapy from the Alabama Board of Massage Therapy Fund in an amount as deemed necessary for fiscal year 1996-1997; to provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

Also:

S. 128. To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

Also:

S. 141. To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances; to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies; to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.

Also:

S. 181. Providing for distinctive motor vehicle license tags or plates for supporters of the Arts in Alabama; establish an Arts Education License Plate Advisory Committee; provide for a charitable deduction; and provide for a delayed effective date.

Also:

S. 351. To authorize any juvenile court to require the parents or legal guardian of a child who has been declared a delinquent child and placed on probation by the court to assist the court in ensuring that the child complies with the terms of probation, and would provide for penalties and exemptions.

Also:

S. 432. Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan which shall include all proposals concerning capital projects; requiring the commission to review these proposals; placing a freeze on the inclusion of certain capital projects; and requiring the prioritizing of capital improvement budget requests.

Also:

S. 440. Relating to Jefferson County; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to allow former members of the Pension System who withdrew from the Pension System under Section 13 of Act No. 497, of the Regular Session of the Legislature of Alabama of 1965, as amended, and who rejoined the System pursuant to Act No. 86-706, First Extraordinary Session of 1986, to become eligible to receive Factor No. 3 of the Pension Benefit Formula for previous unpaid time, but excluding the period from the date of their withdrawal until January 3, 1987; to allow former members of the retirement system who withdrew from the System pursuant to Section 13 of said Act No. 497 and who did not rejoin the System pursuant to Act No. 86-706, a one-time opportunity to rejoin the System as new members with eligibility to receive Factor No. 3 of the Pension Benefit Formula but excluding the period from the date of their withdrawal until January 3, 1987; to prohibit certain new members who rejoined the System from converting any of the previous unpaid membership time to paid membership time for the Pension Benefit Formula; and to repeal Act No. 93-927 of the 1993 First Special Session of the Legislature.

Also:

S. 463. To amend Sections 12-15-34 and 12-15-34.1 of the Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court; to provide that a child whose juvenile case is transferred to criminal court shall be tried as an adult for the offense charged and all lesser included offenses of the offense charged.

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Also:

S. 485. Relating to Jefferson County; amending Section 1 of Act No. 88-936, H. 191 of the 1988 Special Session (Acts 1988, p. 550), providing that the Chief Deputy Tax Collector shall serve at the pleasure of the person elected to the position of Jefferson County Tax Collector; and repealing Section 2 of the act relating to certain qualifications of the Chief Deputy Tax Collector.

Also:

S. 488. Relating to Jefferson County; amending Section 3 of Act No. 89-1009, S. 32 of the 1989 First Special Session, (Acts 1989, p. 53), to eliminate the "step 5" limitation within class 30 of the annual salary of the chief deputy tax collector; the chief deputy tax collector, Bessemer Division; the chief deputy tax assessor; and the chief deputy tax assessor, Bessemer Division.

Also:

S. 507. To amend Section 32-5-211, Code of Alabama 1975, relating to attaching a flag or light at the end of loads carried on vehicles, to authorize that an orange flag or an amber strobe light be attached to the end of a load which extends more than four feet beyond the rear of a vehicle.

Also:

S. 652. To provide for the implementation of Amendment 508 of the Constitution of Alabama of 1901, authorizing the operation of bingo games in Calhoun County, Alabama, by certain nonprofit organizations; to establish the Calhoun County Bingo Regulatory Commission and to provide for the regulation of bingo in Calhoun County, Alabama.

Also:

S. 710. Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 147. To amend Sections 9-11-270, 9-11-271, 9-11-273, and 9-11-275 of the Code of Alabama 1975, relating to interference with legal hunting and providing penalties; to add interference with legal fishing to the prohibitions of these sections subject to the same penalties; and to delete an exception for acts committed on publicly owned lands or waters.

Also:

H. 7. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for the issuance of the licenses on a continuous basis, subject to certain recertification requirements under certain circumstances.

Also:

H. 625. Relating to health benefit plans; to provide for the inclusion of obstetricians and gynecologists as primary care physicians; to provide that a health benefit plan may not require a referral from a primary care physician as a condition for the coverage of the services of an obstetrician or gynecologist; and to designate this act as the "Women's Access to Health Care Act."

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

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H. 538. Providing distinctive motor vehicle license tags or plates for members of the Alabama State Defense Force; providing for the fees for these tags or plates and for the disposition of the fees; and providing for a delayed effective date.

Also:

H. 552. To amend Section 15-18-83 of the Code of Alabama 1975, to provide further that members of the victim's immediate family may be present at an execution.

McDOWELL LEE
Secretary

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:15 A.M. on May 9, 1996.

H. 432	H. 931	H. 665	H. 283
H. 633	H. 956	H. 678	H. 441
H. 453	H. 966	H. 679	H. 444
H. 877	H. 970	H. 879	H. 457
H. 897	H. 974	H. 938	H. 949
H. 919	H. 975	H. 939	H. 998
H. 920	H. 838	H. 940	H. 999
H. 923	H. 963	H. 942	H. 1000

H. 774	H. 976	H. 943	H. 248
H. 794	H. 977	H. 954	H. 590
H. 833	H. 158	H. 969	H. 941
H. 851	H. 978	H. 983	H. 947
H. 852	H. 979	H. 985	H. 779
H. 854	H. 364	H. 992	H. 913
H. 874	H. 664	H. 993	

Delivered to the Secretary of State at 10:25 A.M. on May 9, 1996.

H. 808 (CONSTITUTIONAL AMENDMENT)

H. 921 (CONSTITUTIONAL AMENDMENT)

H. 700 (CONSTITUTIONAL AMENDMENT)

H. 1012 (CONSTITUTIONAL AMENDMENT)

Delivered to the Governor at 10:42 A.M. on May 9, 1996.

H. 709

Delivered to the Governor at 11:38 A.M. on May 9, 1996.

H. 192 H. 495

H. 603 H. 527

H. 368 H. 736

H. 907 H. 778

H. 930

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Delivered to the Governor at 2:35 P.M. on May 9, 1996.

H.J.R. 520	H.J.R. 552	H. 497
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H.J.R. 539	H. 463	H. 612
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H.J.R. 541	H. 354	H. 245
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H.J.R. 542	H. 111	H. 737
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H.J.R. 551	H. 405	H. 777
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Delivered to the Governor at 4:03 P.M. on May 9, 1996.

H. 103

Delivered to the Secretary of State at 4:30 P.M. on May 9, 1996.

H. 832 (CONSTITUTIONAL AMENDMENT)

Delivered to the Governor at 4:55 P.M. on May 9, 1996.

H. 1

Delivered to the Governor at 5:42 P.M. on May 9, 1996.

H. 210

Delivered to the Governor at 6:22 P.M. on May 9, 1996.

H.J.R. 563

H.J.R. 540

H.J.R. 543

H.J.R. 544

H.J.R. 545

H.J.R. 547

Delivered to the Governor at 7:25 P.M. on May 9, 1996.

H. 788 (EXECUTIVE AMENDMENT) H.J.R. 501

H. 184 H.J.R. 559

H. 395 H. 10

H. 652 H. 80

H. 659 H. 83

H. 684 H. 375

H. 699

Delivered to the Governor at 8:15 P.M. on May 9, 1996.

H. 82 H. 356

H. 200 H. 296

H. 226 H. 201

H. 324 H. 489

H. 496 H.J.R. 514

H. 572 H. 755

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Clark (W), the House adjourned until 10:00 o'clock a.m., Monday, May 20, 1996.